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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

ORGANIZATION

WEDNESDAY, DECEMBER 2, 1987



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Decker, Todd



LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, December 2, 1987

The committee met at 3:24 p.m. in committee room 1.

ORGANIZATION

Clerk of the Committee: Members of the committee, it is my duty to call upon you to elect a member to be chairman of the committee. Are there any nominations for the position?

Mr. McGuigan: I would like to nominate the member for Nickel Belt.

Clerk of the Committee: Mr. McGuigan has nominated Mr. Laughren. Are there any further nominations? If none, I declare nominations closed and Mr. Laughren elected chairman of the committee.

Mrs. Grier: And the rest is easy.

Mr. McGuigan: The same salary as before.

Mr. Chairman: First, I want to thank my nominator, Mr. McGuigan, and Todd Decker for conducting it so crisply and efficiently. The first thing we should do is call for the election of a vice-chairman. Nominations are open for vice-chairman.

Mrs. Grier: I nominate the member for Algoma.

Mr. Chairman: Mrs. Grier has nominated Mr. Wildman. Are there any further nominations? If there are no further nominations, I declare Mr. Wildman the vice-chairman. Thank you, Bud.

Mrs. Marland moves that, unless otherwise ordered, a transcript of all committee hearings be made.

Mr. Chairman: You have heard the motion. Are there any comments? That just means that Hansard will record our meetings as we go along.

Motion agreed to.

Mr. Chairman: The committee has before it some material that Todd Decker has prepared, and one of the things is the budget. Perhaps we should deal with the budget and get that out of the way first.

Mr. Wildman: If I could, before we get to that I want to raise a concern that the discussion in the House today raised among many members. I know it would be of concern to you, Mr. Chairman, and I do not know exactly how we deal with it. That was a suggestion made by the Solicitor General (Mrs. Smith) during a debate that the committee work around here is often idealistic. This seemed to infer that it is not particularly practical or practicable or realistic.

It seems to me that if matters are referred to this committee, or any other committee of the House by the Legislature, then we, as committee members, must operate on the basis that we believe our work is not just idealistic--which I would hope it would often be--but that we are making practical and practicable proposals for implementation by the assembly and for consideration by government.

I am not sure how we deal with this, but I do not think I am making a mountain out of a molehill. I think it is very important that we ourselves, as a committee, understand that what we are doing is not just some kind of esoteric exercise but that in fact we are going to be dealing with issues that are important to the public affairs of this province and that when we make recommendations to the House and for government action, we expect and believe they are ones that can be and should be implemented and not something we are just laying out there for the muses.

Mr. McGuigan: I differ somewhat from my friend the member for Algoma (Mr. Wildman). Perhaps the choice of the word "idealistic" was the wrong choice. I think my friend is making too much of a point of it. I think we have to accept the fact that we do make recommendations that we believe are practical on the principles we would like to see carried forward, but most often we do not really spell it out in all of its detail. I think that is what the member for London South (Mrs. Smith) had in mind, rather than the word "idealistic." I think perhaps that was the wrong choice of words, but I do not think she meant it in the terms that our friend is taking it.

Mrs. Marland: I would just like to comment further to the comments from the member for Algoma. If we are now going to discuss a budget, which I gather from your comments we are--and the budget I have in front of me has a total of \$143,548 and I know each and every standing committee of this Legislature has a budget it looks at, approves and is subsequently absorbed--then I would have to suggest that the comments of the member for Algoma should be taken very seriously.

I heard them being made very seriously and also very sincerely, and I share the concern about what the process is that we are about to undertake as members of this standing committee.

In looking at the responsibility that each one of us has in this Legislature, no matter whether we are serving as government or opposition members, I would never want to be acting upon representing my people if I felt the whole situation was an exercise in futility in terms of my representation. Certainly, if I am going to defend the expenditure of any budget of public tax money, I have to be sure it is going to be in the best interests of this province.

1530

I did not sit on the committee that caused the concern in some of us this afternoon, namely, the select committee on retail store hours. However, I did read their report and I did serve on the Progressive Conservative task force on extended shopping hours. It was a very committed exercise to cover the entire province by both of those, the task force and the select committee.

Recognizing that I am a fairly new member in this Legislature, now only beginning my second term, I must say I wonder what the process is. Where is it worth while when an all-party committee travels the province and comes back

with a report making recommendations to the Legislature, which everyone signs as a member of that committee, when then we have the kind of statement that was made today by a member of the cabinet?

I am concerned about that process and that we are going to get into the semantics, whether it was a choice of words. Even if you ignore the words, I think the expression of intent is still the same, no matter what the language. It is that intent that has a concern for me.

Mr. Wildman: I do not want to prolong this. I think we want to get into the budget, but I appreciate the comments made by the member for Mississauga South (Mrs. Marland) because I think it is an important matter, but perhaps one that might better be dealt with by another committee, if that were the view of the Legislature. Perhaps we should be looking at asking the committee on the Legislative Assembly to consider this, because I think it is an important matter.

Mr. Chairman: I think, too, that the in federal House--one of the good initiatives, and you will not hear me say this too often, of the Mulroney government was to give the committees more independence, which I think is very healthy. It can cause some blips on the scope for any government, but I think it gives the members a sense of playing a more meaningful role. That would be an interesting thing to ask the standing committee on the Legislative Assembly to look at.

If you like, we could have a motion drafted by the clerk for the next meeting or so and have it go to the committee. Would that seem suitable to the committee? OK.

I would like first to welcome the new members, in particular, to the committee. This committee has done some interesting work over the past number of years. It is a hard-working committee; we meet three times a week, Monday, Tuesday and Thursday afternoons after routine proceedings.

We have had a lot of things referred to us. We can only do things the Legislative Assembly refers to us, but once they have been referred to us, then we establish our own priorities as a committee. Obviously, there has to be agreement, and if it came to a vote on the committee, that is what would determine what we would look at.

For example, if you look at the last page of the budget document, you will see an explanatory note. The standing committee on resources development is a standing committee, which means it is a permanent committee rather than a select committee established for a particular purpose or for a short period of time. We deal with bills, estimates of the various ministries and annual reports of various ministries.

Just to give you an idea of what we have done in the past year or so, almost as a reference point for the new members, you can see we looked at the question of plant closures and shutdowns, particularly in the north; we travelled the province a bit and we presented a report.

The only reason this is on your desk is to show you the kind of thing the committee did, as an example of what we did. There can be dissenting opinion in here and so forth. I think the committee did some very good work and the committee members took their work seriously. So new members can understand why there is concern by Mr. Wildman and Mrs. Marland, who talked

about committee work not being taken seriously or the reports not being taken seriously enough. Members work very hard on committees; they really do. They would like to feel that what they do is worth while and is taken seriously. So you can see that the comments are not simply partisan because they are from opposition members. I think there is a feeling that committee work should be taken seriously, and we need to understand that.

We did the truck transportation bills. Those were actual bills we looked at.

To the last point on the explanatory note, future and proposed activities: We have had referred to us already on the agenda sheets a whole list of things that are referred to the committee automatically. I think you could say "automatically." We do not have to deal with those and in most cases we do not. There would not be enough hours in the day or weeks in the year to deal with them, but they are referred automatically to this committee to deal with. At some point, if the committee wanted to look at one of those annual reports or any one of those things on here, it could do so.

As well, the House leaders of the three parties have referred estimates to us. I think I saw somewhere there were 19 estimates. Is that right?

Mrs. Grier: Nine sets.

Mr. Chairman: Nine sets, sorry. Nine different ministries have been referred to us.

Clerk of the Committee: On the agenda.

Mr. Chairman: It has been mixed up. OK.

On the agenda sheet, we can see the estimates that have been referred to us, the expenditure estimates of these ministries. As a matter of fact, on Monday, we start with the Ministry of Industry, Trade and Technology, which will come before the committee and do its thing. It is an opportunity for all members to have a go at the minister and his staff in that regard. The number of hours is how many hours each of those ministries is going to have before the committee. We may not finish all those. I know we will not, but that is what has been scheduled.

Mrs. Grier: I do not know how priorities are set. Is there anything that is referred to the committee that the House says has priority? In other words, do we have to do estimates first, or if we decide that instead of doing estimates we want to look at an annual report or we want to look at the referral on the Mining Act, do we have the power to do that as a committee?

Mr. Chairman: Good question. Yes, we do.

There was an agreement among the House leaders that these would be treated in this order, but, for example, there was a statement in the throne speech that referred the Mining Act--which has not yet been presented in the House, so it is not even before the Legislature yet--and the whole question of reducing injuries and fatalities in the mining industry to this committee specifically. It is rather unusual to have that in a throne speech, but it was there.

There is going to be a motion drafted by the government House leader which will be presented in the House and presumably passed--I do not think anybody would oppose it--which would refer that problem to this committee for the new year. If they said in that motion that this must be dealt with first, then we would have to do that, but I do not think they will do that. I think they will let us decide what we should do first. It would be my recommendation, as chairman of the committee, that we deal with that question of fatalities and injuries in the mining industry first, in January, for a number of reasons.

First, it is an important issue. Second, this may sound silly, but it is a very interesting issue and it would be something that it would be really good to have the committee report on to the Legislature, when we think of the importance of mining deaths and accidents.

Maybe some southern Ontario members are not as interested in it as others. On the other hand, I think it would be an interesting thing for southern members to see. We could certainly go up to the sites of some of the mines and so forth to take a look at them and to talk to the industry and to the unions that represent the workers. That would happen for sure, but we would decide that priority, unless otherwise indicated.

Mrs. Grier: My other question was about the meetings of the committee when the House is in recess. Are there any scheduled hearings when the House is in recess or do we decide when we want to sit and how long we want to sit?

Mr. Chairman: We will decide that. We will decide what days, what weeks, when we start, where we end, where we go. It is entirely up to us. We will discuss that as a committee before we adjourn. I would think that in the next week or so we will have to set aside some time. I would suggest that the clerk and I do some preliminary work on--guess at--how much time we need.

1540

If the committee agrees that the mining accidents and fatalities is the issue we should give priority to, and I hope the committee will agree to that, then we can do some preliminary work and come back to the committee with, "Look, these are our suggestions as to what we should do, where we should go, how long we should take, what kind of travelling we should do, can it all be in Ontario, should there be another jurisdiction involved?"

No decision would have been made--the committee will make that decision--but I will come back to the committee with that kind of recommendation so that we can kick it around and see what we collectively think. If anybody tries to ram it down--if the government majority on the committee tries to ram it through without trying to build a consensus, that is no good either for the best work of the committee, or if the chair tries to impose it that is not good either.

Mr. Wildman: It would not work anyway.

Mr. Chairman: It would not work anyway; that is right. We would like to try to reach a consensus on those kinds of things. I am not talking about when we write a report. Then you hardline it the way you want. But for the workings of the committee it is much better if we can come to a consensus, although we would always agree, I am sure.

Is it all right then if we proceed that way? The motion has not come from the House as yet. I told them today it would be nice to have it so that the committee can have a look at it.

Mr. Wildman: This is a quote from the throne speech on the last page of the agenda document?

Mr. Chairman: Yes, it is. The last page of the agenda document notes that the standing committee on resources development will review the Mining Act. That is a complicated bill. I have seen it in the previous parliament. There may be a bit of change, but I assume they will just bring it back. It is rather complex and legalistic and deals a lot with exploration and development, that kind of thing, but we have not seen that yet and I am not sure we will see it this session.

The normal course of events would be for the Mining Act to be introduced for first reading and then second reading and have a wide-ranging debate on the principle of the bill on second reading and then be referred back to the committee. We know that is not going to happen before we adjourn for Christmas.

Mr. Wildman: On the second part of that quote, would we then anticipate that the government House leader would introduce a motion in the coming next two weeks to refer that issue to us, whether or not the Mining Act is reintroduced?

Mr. Chairman: Yes. He must do that.

Mr. Wildman: If that takes place, then we could look at that issue or investigate the question of injuries and fatalities in the mines between sessions.

Mr. Chairman: Yes, that would be the intention. The injuries and deaths in the mines is not under the Mining Act anyway. It is under the Occupational Health and Safety Act. There is no conflict there with dealing with that before we deal with the Mining Act as a whole.

Are there any questions on that? Speak up if you have any questions at all.

Mrs. Grier: Can I describe one other issue that I certainly hope will come to this committee? That is a private member's bill that will be discussed in the House on December 10, which is an environmental bill of rights. It is a bill of mine that I introduced in the last House that had the support of all three parties and was referred to this committee, but because the election intervened, the committee never got it on its agenda or had any hearings.

I have come up second in the draw; so it is coming again on December 10. Mrs. Marland and I obviously have a particular interest in this as Environment critics, but my hope would be is that it will be supported on the 10th and referred to this committee with the objective of having some public hearings into the details of the bill. Obviously, I want it as soon as possible, but I know that is not possible; so I just want to flag it for the members as an item I would hope would show up on the agenda of this committee in the near future.

Mr. Chairman: We will wait until we vote on that, because if it is defeated in the Legislature, then it cannot be referred here.

Mrs. Grier: I never count my votes before they are hatched.

Mr. Chairman: It would have to pass first. If that happens, then we will deal with it as an item on the agenda.

Mrs. Marland: If I may, following on Ruth's comments, I also will be in the same position as Ruth, although mine is not coming up on December 10. I also have a private member's bill, which was passed through second reading last year and was referred to this committee and supported by all parties. I look for the same kind of passage, routing and ultimate resting place of my bill, which I have already tabled in the House. It is environmental. Mine is a question of water delivery systems.

Mr. Chairman: Anything further on that? Ms. Collins, you looked as if you were going to ask something.

Ms. Collins: No.

Mr. Chairman: All right, a couple of things. By taking a look at the budget, other things will become clear. By the way, this will go to the end of March, the fiscal year, and it is a budget that is designed to cover everything. It is highly unlikely we would spend all this, unless we did some exotic travel to investigate mining accidents in Brazil or something.

By the way, if we pass this, it is not meant to lock the committee into having these many weeks of meetings, not at all. It is just to make sure we do not have to go back again to the Board of Internal Economy for more money. It is easier to do it and if we do not spend it, fine. I think in the past we have not spent the budgets we have drawn up, but it is there almost like a buffer.

We have set it up so that there are eight weeks of meetings. That is quite a few and it would mean meeting in January, February and March or parts of those months until the Legislature came back. You will notice that the budget says 32 days for the chairman at \$79 a day per diem and other members at \$68 a day per diem. That is for every day the committee meets or that members are travelling to and from the committee. Those are the per diems, so that is where you get that money. It is broken down into per diem meetings, per diem travel and meal allowances, which are set at \$27 a day on top of the per diem. That is what you are allowed to charge, up to that.

Travel and accommodation has built into it enough money for hotel accommodation if, for example, we went to Timmins, Thunder Bay, Sudbury or the Sault to have meetings on the mining accident issue. You have to build in a budget to allow you to do that, in case we do that. Certainly, if we do look at the injuries, we would not do it all down here. We would want to go to where it is at. I think that is fairly straightforward. If there are any questions, now is a good time to ask.

On the next page, page 2, you will notice the budget for committee advertising. The reason we would advertise is not for our own glory, but to notify a community that we are going to be there holding public hearings and to submit to the clerk of the committee its desire to appear before the committee so that we know how many days to schedule and that kind of thing in a particular community, the hours and so forth. That is why we need the advertising budget. We had complaints in the last parliament over one issue. Was it plant closures?

Clerk of the Committee: Yes.

Mr. Chairman: There was a very short time frame. We did the advertising, but people felt it was not enough notice. In some cases, they felt there was not enough advertising and things like that. Communities like to be involved.

Translation and transcription: For example, when we went to Ottawa last time, we felt we could not go to Ottawa with a unilingual service in hearing presentations, so we made sure there were translation services available. That is in case we would go to a community where we needed to have the translation services.

Printing of the reports: miscellaneous printing, binding of a report, which is binding this up, and other things. Meeting room rental would not be here; that would be up in those communities, to rent halls, that kind of thing.

Mr. Wildman: Binding does not refer to binding the government?

Mr. Chairman: No. Is the catering for here?

Clerk of the Committee: Yes.

Mr. Chairman: Catering here is simply to provide coffee and juice for the committee and people who are appearing before it.

Mr. Wildman: And chocolate milk.

Mr. Chairman: Yes, chocolate milk for Mr. Wildman.

Postage: mailing out to interest groups and so forth; long distance phone, etc. The total comes to \$143,000.

If the committee agrees, then this will go to the Board of Internal Economy for approval. It would be highly unlikely they would reject it, since it is such a responsible budget, but they could ask questions about it. Are there any comments on it?

1550

Mr. Leone: These allowances, I think I read in some of the information they gave us, apply only when the House is not in session?

Mr. Chairman: Good point. Only when the House is not in session, yes.

Ms. Collins: As this is only for a short period, from now until March or whatever, how does this compare with previous years?

Mr. Chairman: I will let Todd Decker answer in more detail, but basically, the budget tends to vary with how many weeks we plan to sit. If, for example, in April, we were doing it for the year and we knew there were going to be summer sessions and then a January session in the new year following, it would be much bigger than this. There is not much in there that is fluff or extra, except the number of weeks.

Is there anything else you want to add, Todd?

Clerk of the Committee: The previous budget of the committee was \$168,000, I believe. Of course, it became null and void when the election was called. So this is \$25,000 less simply because we only have to get to March 31, but it makes the assumption of a fairly busy schedule between now and March 31 because of the matters on the agenda.

Ms. Collins: The \$168,000 was for a full year?

Clerk of the Committee: Right.

Mr. Chairman: I suggest we do not lock ourselves into the number of weeks now. First, we want to see what the motion is from the House leader on the Mining Act thing. The government obviously wants that one looked at. To have put it in the throne speech is an indication they would like that, and we would too.

Mr. Miller: It is only used if the committee is meeting, and if anything is left of--

Mr. Chairman: Yes. We will talk at another meeting about when we should meet, which specific weeks. We cannot make everybody happy on the weeks we meet. We know that. Somebody will have conflicts and so forth, but all we can do is try to come to an agreement about the weeks which are most acceptable--for instance, which week we start in January and which week we end, that kind of thing.

Mr. Wildman: I would move the adoption of the budget.

Mr. Chairman: There is an actual question I have to put to the committee and it goes as follows:

Shall the budget carry and shall I present it to the Board of Internal Economy? All those in favour? Opposed?

Agreed to.

Mr. Chairman: Is there any other business? I do not think we need to meet tomorrow. There is a possibility that the government could demand that estimates be heard during the interim. I hope they do not, because estimates are not nearly as--dare I say it?--interesting and productive as doing some of these other special things, like looking at mining accidents or deaths.

Mr. McGuigan: Have they not cut down on the hours?

Mr. Chairman: Yes, drastically. There were days when the estimates hours would be 15 and as high as 20, but they have cut these way back, I am sure because of the time.

Mr. Brown: I was wondering about the days this committee sits. Can we change them in any way?

Mr. Chairman: No. I have some sympathy with what Mr. Brown is getting at. The committee sits Thursday afternoons and for northern members that can be a bit of a problem. It is fixed by the House leaders that we sit Monday, Wednesday and Thursday.

Mr. Miclash: What time are we normally finished in the afternoon?

Mr. Chairman: At six o'clock. There is nothing to stop us from adjourning early from time to time.

Mr. Miclash: I was going to say that there is a flight that leaves here at 6:40, and I normally get out Thursday.

Mr. Chairman: That would be no problem. We could either adjourn that much earlier or, if there was not a vote, it probably would not be that serious if you left anyway.

Mr. Wildman: It should be made clear, too, that substitutions are allowed on committees, as long as you notify the chair and the clerk in advance that you want to get some other member to substitute for you. Also, we should make clear that when we sit between sessions, the committee could sit five days a week, but normally it would sit on Monday, Wednesday and Thursday.

Mr. McGuigan: So if someone wants to catch a plane--

Mr. Chairman: Yes. We do not worry about that. There is no problem.

Mrs. Marland: Does any other committee sit Thursday afternoon?

Mr. Chairman: I am sure some do. I know the standing committee on administration of justice sits Monday and Tuesday.

Mrs. Grier: My question is not on scheduling. I want to move to something else.

Mr. Chairman: Is there anything else on the scheduling? We are talking now about while the House is in session. Mrs. Grier.

Mrs. Grier: I have two questions. The first one is that one of the reports that has been referred to this committee is of particular interest to me. It is the Ontario Food Terminal Board annual report.

Mr. Chairman: Oh, no.

Mrs. Grier: Yes, I know. The Ontario Food Terminal is in my riding. In 1979, the standing committee on procedural affairs made some recommendations to the House with respect to the monopoly practices of some of the wholesalers at the food terminal. Nothing has ever happened to any of those recommendations. As a matter of fact, I have been trying to get a question on to the Minister of Agriculture and Food (Mr. Riddell) about that issue for the last couple of days. I keep being pre-empted by other questions.

Mr. Chairman: Some of them yours.

Mrs. Grier: Some of them my own. It may not be appropriate if I am the only one who is interested. Is that the only vehicle open to me to get some body of the Legislature to look again at what was recommended by a committee in 1979 and never dealt with?

Mr. Chairman: Yes. There would be nothing wrong with asking the committee to put that on the agenda. Is there an urgency to do this? We could do it when the House comes back in March.

Mrs. Grier: There is an urgency in my case, because one of the sublessees is being asked \$1 million key money to get his lease. But the whole structural legal basis on which the food terminal exists is obviously a longer-term problem that I think needs to be addressed.

Mr. Miller: I am interested in what Mrs. Grier is indicating, because it is an issue that really supports agriculture in rural Ontario. If you want to get a question and an answer from the minister more quickly, I think that can be arranged. I would like to have the information.

Mrs. Grier: No, it is my own caucus I have trouble with.

Mr. Miller: I know, but there might be some other way of dealing with it.

Mrs. Grier: It is certainly an issue that is long overdue being dealt with. For those who do not know about the food terminal, the situation is that when it was built 20 or 30 years ago, leases in perpetuity were given to some of the major wholesalers, and that has never been changed. One of my constituents, who has been in business there for 15 years as a sublessee, is now being asked \$800,000 key money from the wholesaler from whom he subleased to change the lease into his own name as opposed to his father's name. It is just unconscionable.

Mr. Miller: May I just respond? I think that is being recorded here, is it not? I am going to take that back over and see if we cannot look at this.

Mr. Chairman: The clerk just mentioned to me that one possibility would be for the standing committee on government agencies--

Mrs. Grier: To do it again.

Mr. Chairman: --to look at it if that committee has more time in its schedule. I do not know if it has, but that would be an interesting route to try.

Mrs. Grier: I might address something to the chairman of that committee requesting that it look at it.

Mr. Chairman: Who, I think, is a Progressive Conservative member.

Clerk of the Committee: Allan McLean.

Mr. Chairman: Allan McLean is chairman of that committee.

Mrs. Grier: The other question I want to raise is that, as a new member in the last session, my frustration during the consideration of estimates knew no bounds. We had, I think, 22 hours on the Ministry of the Environment last time, and the questioning ranged all over the map. It was very interesting but never really focused on some of the major problems in the department. I am sure if the minister were here, he would forgive me for saying that his answers exceeded the time allotted for the meetings of the committee.

Now we have agreed with the government that we will reduce the timing for estimates for every ministry to seven and a half hours. I think it is even more important that we have some agreement that the ministers, who open these

processes by giving a long statement of all the wonderful things they have been doing, confine that statement to a certain agreed-upon period of time and that the critics, who get leadoffs to respond to the ministers, agree to confine their opening remarks to a certain period time. Once that exercise, which I suggest could all be done within an hour, is completed, there could be some agreement that we are going to get through the whole budget and agree that one day we will do a certain number of items and so on.

If we dealt with an item on Monday, we do not reopen it and redo it all again because the membership of the committee is changed on Thursday. That is what tends to happen and it really is nonproductive use of our time.

Mr. Chairman: There is nothing to stop a committee from making that agreement when the estimates start. I would encourage that, because it makes it easier for the chair as well, quite frankly, and for the minister to schedule which of the senior civil servants will be there on a particular day.

1600

Mrs. Grier: If we are going to agree that their opening statements ought not to go on for three days, we need to tell them in advance.

Mr. Chairman: Yes.

Mrs. Grier: They are probably writing them now.

Mrs. Marland: I am looking at these reports that have been referred to us. The member for Etobicoke-Lakeshore (Mrs. Grier) has just addressed the one about the Ontario Food Terminal and you are talking about us dealing with one to do with the Mining Act, which is going to be a direct referral, I gather, from the House leaders. Unless I missed something at the beginning, it is not on this list.

Mr. Chairman: That is correct. It has not yet been referred to the committee except through the throne speech.

Mrs. Marland: OK. Then are we saying we can look at any of these reports that are on this list of reports that have already been referred to us?

I am just looking at the report of the Ministry of Housing and the Ontario Land Corp. in light of that being such a critical subject for every caucus. I do not think there is a member in the Legislature who is not concerned about where we are going to go with housing in this province. I see that as being a priority report of this list of reports that has been referred to us. I am just wondering if this standing committee on resources could do anything more worth while than one of the most important resources after food, which is shelter. I am asking whether we can see within our early schedule the opportunity to review that report of the OLC and the Ministry of Housing.

Mr. Chairman: On this matter, Mr. Wildman?

Mr. Wildman: Actually, it is in relation to both this matter and the matter the member for Etobicoke-Lakeshore raised.

As you have indicated, Mr. Chairman, the committee obviously sets its own agenda in terms of dealing with the matters that have been referred to it. I have found in the past, as other members might agree, it is very beneficial

for a committee to have a subcommittee struck, representing all three parties and the chairman, to help to set the agenda or at least to come up with a proposed agenda to submit to the whole committee as a way of resolving questions of scheduling, rather than having a whole committee sit down in committee meetings and have each member say, "Well, I'd like to do this and I'd like to do that" and spend a lot of time talking about scheduling and procedural matters instead of having those things dealt with in a more efficient way by a smaller group and then that group making a proposal to the committee.

I wonder if it would be an acceptable proposal that we strike a subcommittee that could deal with scheduling in terms of the matters that have been referred to the committee, as well as the question of how we schedule estimates in a more efficient way, and for that subcommittee to make recommendations to the whole committee.

Mr. Chairman: I personally have no objection to that. My only word of caution would be not to shut out new members from these kinds of discussions, because it is important that they feel acclimatized.

Mr. Wildman: No, that was not my intention.

Mr. Chairman: So if you do that, then you do it in a way that comes back to the committee with an explanation.

Mr. Wildman: Yes.

Mrs. Marland: It does work well.

Mr. McGuigan: I have a bit of a word of caution, I guess apprehension. If we are going to set things up fairly rigidly, so many hours for this page and so many hours or minutes for this page and so on, we structure ourselves in such a way that we take away some of the informality that has always been part of these meetings.

You know very well that someone will come in some night and say, "Well, I was over at the other committee" or, "I have this very important matter in my constituency, my constituents are all waiting for this, and I am asking the committee's indulgence to let me go on." Generally we have, but if we are going to come down into a pretty rigid system I am going to say no or somebody else is going to say no, and "Sorry, you should have been here during the time."

Mr. Chairman: That is exactly what bothers Mrs. Grier.

Mrs. Grier: It happened five times.

Mr. Wildman: In that regard, I agree with what Jim is saying and I think all members of the committee would like to try to accommodate other members of the House, because we are all here in the same business of trying to represent our constituents.

However, my concern, I think, specifically as it relates to estimates, is on what is called main office load. What happens when we start the estimates is that the minister comes in with his introductory comments about the activities of his ministry. Then the critic for the official opposition makes a statement. The critic for the other opposition party also makes a

statement, and then we move on to the votes. The first vote is the main office vote. The main office is the minister's office, his staff and the head office of the ministry.

Members--I will admit I have been guilty of this myself in the past--will often make the argument that any matter that in any way relates to the ministry and its operations can legitimately be dealt with under main office since the final decisions rest with the minister and his senior staff. If we can perhaps look at some way of limiting discussion on main office, then we can avoid this situation which often happens in estimates, which is that we spend--let us say we have seven and a half hours--six and a half hours on main office and then we pass all the line budget estimates in the last few minutes of the estimates, which is, frankly, a ridiculous way of dealing with estimates.

I am sure, since we have so many new members who are, obviously, more responsible than those of us who have been here for a while, that would not happen.

Mr. Chairman: It is not a political party thing, because the opposition does it as much as the government members do.

Mr. McGuigan: We could limit the minister; I do not think that is asking too much in the seven hours. Limit the minister, limit the responses--

Mr. Chairman: The leadoffs.

Mr. McGuigan: --and limit the main office and let the rest flow from there.

Mr. Chairman: OK. On Monday, the Ministry of Industry, Trade and Technology starts here. Unfortunately, I am critic for the Ministry of Treasury and Economics for my party, and those estimates start the same day, the same time, the same building, the same moment.

Mr. Wildman: Why did you not tell us that before we elected you?

Mr. Chairman: I will be asking Mr. Wildman to chair that meeting next Monday, and I would suggest that the minister be asked to do just that, to restrict his comments. We could ask the clerk to contact the Minister of Industry, Trade and Technology (Mr. Kwinter) with that request, that the committee would like to have a relatively short speech, no more than half an hour.

Mr. Chairman: In Treasury, Mr. Nixon is not even giving one. I am going to give him hell for that.

Anyway, at the meeting next Monday, if the clerk contacts Mr. Kwinter ahead of time, he should tell him what the committee wants to do and that we would attempt to restrict debate on the head office vote so that it is split more evenly among the remaining votes--there are probably four or five votes.

Mr. Wildman: We should also contact the two critics.

Mr. Chairman: Yes. Is that OK? Anything else?

Mrs. Marland: Are we going to agree to structure the subcommittee? My experience on all the committees has been that the subcommittee works very well.

Mr. Chairman: Is that the wish of the committee? As long as we make sure we bring things to the full committee. All right.

Then we could have each of the parties select its own representative on the subcommittee, and we could have meetings at the call of the chair. You decide whom you want on the subcommittee. I do not think there is any need to meet, unless you think there is, until we are getting into talking about which weeks in January and February we meet and where we go and that kind of thing.

Mr. Leone: The decision of the subcommittee will have to be ratified by us?

Mr. Chairman: Yes.

Mr. Wildman: They would just make recommendations to the committee.

Mr. Chairman: OK? Any other business? If not, I thank you very much for your co-operation and attendance at the committee. The next meeting will be next Monday afternoon in this room at the same time to deal with the estimates of the Ministry of Industry, Trade and Technology. We will deal with those estimates next week. Then the next week there will be a different set of estimates.

Mr. Wildman: You should all have received your estimates books.

Mr. Leone: Yes, we did.

Mr. Chairman: OK? Any further business?

The committee adjourned at 4:10 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

TUESDAY, JANUARY 19, 1988



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Decker, Todd

Staff:

Iuski, Lorraine, Research Officer, Legislative Research Service

Anderson, Anne, Research Officer, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday, January 19, 1988

The committee met at 2:10 p.m. in committee room 1.

MINING SAFETY

Mr. Chairman: The resources committee will come to order. As members will know, the Legislative Assembly referred the question of mining accidents and fatalities to us. The terms of reference passed by the Legislature the last day of the last session are in your package, so we all have a focus on our work as the days go on.

Todd Decker, the clerk, has put together a package of information, ably assisted by Lorraine Luski on my left and Anne Anderson, next down, who put together a package of information for us.

What we would very much like to do because we are laypeople on this committee--we are not mining inspectors, we are not engineers and it is not appropriate to expect that all of us would understand a great deal about mining and about accident fatalities--is to try to bring the committee up to date on the issues and on some recommendations that have been made in the past.

We very much hope to get you into mines, in the north at least and perhaps even in southern Ontario, so that there is an appreciation of the kind of work environment, which is dramatically different from most work environments. I know some members have been in mines but I think we owe it to the other committee members and the staff to get down into several mines and to go into smelters and mills, so that we can really see up close.

As far as I can recall, no legislative committee has ever looked at this issue. There have been all sorts of royal commissions and task forces and joint committees that have looked at the issue, but I do not ever recall a standing committee of the Legislature, an all-party committee, taking a look at it.

I do not think we should feel somehow incapable of making recommendations just because we are laypeople in the field. The experts have done the work and it is up to us as legislators to take a look at the work they have done, to take a look at the work environment and to make some recommendations where we see fit.

I regard it as a serious undertaking for the committee. We have prepared some research material. Lorraine Luski has done a summary of the work that has gone on before and Anne Anderson has done some work on mining legislation in other jurisdictions. I hope by the end of this week we will have done that and, next week, we will be able to hear from some of the experts in the field. We will hear from experts in the field tomorrow as well, from the Ministry of Labour.

The agenda that has been distributed has some blanks on it. We have today the updating by Lorraine and Anne. Tomorrow, we have the Ministry of Mines in the morning and as well the Ministry of Labour for the balance of the morning and the afternoon, dealing with health and safety in the mines. There

are a number of people who are supposed to get back to the clerk on which day they will appear, Thursday or next Tuesday, as those days are blank on the agenda list. We hope to have that resolved by tomorrow.

The representative body of the industry when it comes to health and safety, the Mines Accident Prevention Association of Ontario, will appear next Wednesday morning and then, it is not really a subsidiary but a tripartite committee called the Mining Fatalities Committee--it is a horrible name for a committee, but that is its name--will report to us. It is a tripartite committee of government, labour and the companies. In the afternoon, we have Rick Smith, a consultant on mining issues and I believe the consultant to the Burkett commission. He did a lot of work and it is the summary you have here.

Next Thursday, a week from this Thursday, the representative body of the entire industry, the Ontario Mining Association, will be here. I assume one of our former colleagues, Pat Reid, will be in attendance. In the afternoon, the head of the department of mining engineering at Queen's University, who is the acknowledged expert in the field, will be here.

That takes care of this week and next week, and those are the only two weeks we are scheduled to meet before the Legislature comes back on February 8 for that one week's sitting. We think one week. We hope one week.

Then after that--and that schedule is not prepared yet, because there is a lot of work to be done--we will do some travelling in other parts of Ontario and hold hearings. You will notice that there are no representations here by the steelworkers, the Ontario Federation of Labour, the Sudbury Mine, Mill and Smelter Workers Union, some of those groups that certainly want to make an appearance before the committee. That will come the three weeks after the House has sat for a week. Are there any questions at all on that?

Mr. Wildman: Obviously, I have not had a chance to look through this, so it may be in here already, but I am just wondering if there is reference to the Stevenson report on the rock bursts.

Ms. Luski: Yes, there is.

Mr. Wildman: Obviously, we will be talking to the labour people who are involved, but there may be some people from academe or the industry who have some comments about that specific problem, the problem of rock bursts.

Ms. Luski: Yes, I think Dr. Peter Calder is an expert on that and he is scheduled to appear before the committee.

Mr. Wildman: That will then also look at the whole question of the type of mining; that is, bulk mining as opposed to--

Mr. Chairman: More traditional mining.

Mr. Wildman: Yes. Also, I understand that on the question of lighting in underground mines there is a new standard for cap lamps in place as of June 1988. I am just wondering if we are going to have any opportunity to talk to anyone specifically about the question of lighting in the mine rather than on the miner's hat.

Mr. Chairman: As we begin our discussions, I hope members will either keep a list themselves or give us a list of topics that they think should be pursued, because I am quite happy to try to line those things up.

If there are no other questions or comments on that, then perhaps we could begin. I do not think we need to take a lot of time this week or next week in committee. I think we can do it in fairly short periods of time, because once we get on the road, the days will be long and tiring and, believe me, you will make up for any of the 'briefer days' sittings that you might have this week or next week.

Mr. Wildman: Mr. Chairman, I am sorry. There is one other thing I want to raise. When looking at our terms of reference, number 2, to "identify hazards and put in place mechanisms to reduce or eliminate the risk of death and injury," that then leaves us also with the responsibility of looking at industrial disease as related to mining, as well as physical accidents that bring about fatalities.

Mr. Chairman: That is a good point and I asked Todd to try to find someone who has some expertise on, for example, respiratory diseases and cancer to come before the committee.

Mr. Wildman: I was going to suggest Dr. Brian Kaye of Laurentian University. Dr. Kaye, I understand, is an expert on respirable dust.

Mr. Chairman: He is indeed. That is a good suggestion. Maybe we could talk to him about appearing either in Sudbury or here. Yes, he is at Laurentian. Anything else?

Perhaps then, Lorraine, you could begin the process of, as they say, walking us through a document. Perhaps you could assist with this document, the Summary of Previous Reports on Mine Accidents/Injuries. This is the one we are going to go through now, which Lorraine has prepared.

Please jump in. We would rather have exchanges as we go through, rather than just having someone read at you, so please jump in at any time because it makes it more interesting for other members as well.

1420

Ms. Luski: I would just like to say at the start that my focus was primarily accidents and injuries. I am prepared to look at these other issues such as occupational diseases as well, but the thrust of my presentation is directed towards that.

I would just like to give you a very brief background of the mining industry, just so you could keep this in perspective.

There are 50 metal and 12 nonmetal mines in the province operated by 21 different companies. The mining industry employs approximately 15,000 to 20,000 workers in its underground operations and 28,000 in its overall operations.

The Ministry of Labour's mining health and safety branch is responsible for the inspection activities of all Ontario mines, which are carried out through onsite tours.

The major trade association in the industry is the Ontario Mining Association, which co-ordinates various activities of the mining companies in Ontario. The major trade unions are the United Steelworkers of America and the Sudbury Mine, Mill and Smelter Workers Union. That was not contained in the report, but I now walk you through it.

There have been three public inquiries into mining safety since 1974. Those are the Royal Commission on the Health and Safety of Workers in Mines, which was established in 1974; the Joint Federal-Provincial Inquiry Commission into Safety in Mines and Mining Plants in Ontario, which was established in 1980; and the Provincial Inquiry into Ground Control and Emergency Preparedness in Ontario Mines, which was established in 1984. Then there is the tripartite committee that was mentioned earlier, the Mining Fatalities Committee, which was established in June 1987.

The recommendations of these public inquiries have resulted in significant changes. The recommendations of the Royal Commission on the Health and Safety of Workers in Mines laid the groundwork for the Occupational Health and Safety Act 1978.

The recommendations of the Burkett commission, otherwise known as the Joint Federal-Provincial Inquiry Commission into Safety in Mines and Mining Plants, have been largely accepted by the mining industry.

The most recent public inquiry, which is mentioned in the terms of reference of this committee, has made several recommendations which have since been passed into regulation.

Therefore, it appears that these commissions of inquiry have been useful in light of the fact that a number of recommendations have been operationalized and change has resulted.

Turning to the list of the previous commissions of inquiry, the Royal Commission on the Health and Safety of Workers in Mines--

Mr. Chairman: Excuse me a second, you are now jumping over to page 4 in your document?

Ms. Luski: No, I am just going to go into a bit of background on the previous commissions of inquiry on page 2.

Mr. Chairman: OK, because I wanted to look at those charts before we passed them by.

Ms. Luski: Sure.

The Royal Commission on the Health and Safety of Workers in Mines was chaired by Dr. James Ham and it considered the full range of occupational health and safety issues, including occupational diseases such as silicosis and lung cancer, and occupational hazards such as dust and chemicals. It was established in response to a growing concern about the health and safety of workers in mines.

The Joint Federal-Provincial Inquiry Commission into Safety in Mines and Mining Plants in Ontario was chaired by Kevin Burkett, who adopted the conceptual framework of the Ham report and further refined the principle of the internal responsibility system, which will be discussed later.

The Provincial Inquiry into Ground Control and Emergency Preparedness in Ontario Mines was chaired by Trevor Stevenson, and this included representation from mining management, an industry association, unions and a mine training consultant. One of the recommendations of the Stevenson inquiry was that the committee would remain seized with the study and reconvene as necessary to monitor progress on the implementation of these recommendations.

Turning to the Mine Fatalities Committee, this committee was formed in June 1987. Some of the committee's initiatives include: an investigation of the failsafe system, the development of a training module to enhance understanding of the internal responsibility system, the hiring of a statistician to examine relationships associated with fatalities and the possible hiring of behavioural scientists to examine the relationship between attitudes and mining accidents.

Mr. Wildman: In relation to your chart here, do you have the actual number of fatalities in 1987?

Ms. Luski: Yes, I do. Later on in the report I believe I have 17 or 18.

Mr. Wildman: Those are traumatic deaths--that is, accidental deaths?

Ms. Luski: Yes.

Mr. Wildman: It is my understanding that those are included in the Workers' Compensation Board's figures that indicate a total, as of early December 1987, of 37 total deaths in Ontario mines, according to the Workers' Compensation Board.

Ms. Luski: So would that figure include--

Mr. Wildman: That includes the 17 or 18 that you were referring to. That includes industrial disease as well.

Ms. Luski: Oh.

Mr. Wildman: My figures are that the total deaths in the WCB in 1984 were 37; in 1985, 31; in 1986, 36; and in 1987, 37. So basically they stayed the same. In 1984 it was 37 and in 1987 it was 37.

Ms. Luski: Yes.

Mr. Wildman: So despite all of our studies and recommendations, the total number of deaths related not just to traumatic accidents but also to industrial disease in Ontario mines has remained stable.

Mr. McGuigan: This chart refers to violent death, does it?

Ms. Luski: Yes. It is sometimes unclear how one defines an accident, and that is one of the recommendations of the Burkett commission, that often consistent terms are not used. When we are not using consistent methodology, one could have different results. That might account for the discrepancy. I understand the problem, and it is a concern when one tries to get a handle on this issue.

Mr. Wildman: But with the lost-time injuries, that would come from the Workers' Compensation Board, would it not? Is that where those figures come from?

Ms. Luski: No, the Mines Accident Prevention Association of Ontario.

Mr. Wildman: But would it not be likely that if they are lost-time accidents, those lost times would be recognized by the board? They would be the same figures, would they not?

Mr. Chairman: If it is of any help, the board is supposed to be coming before the committee either--that is one of the groups--this Thursday or next Tuesday.

Mr. Wiseman: Just back up on something that was asked earlier about 1985 and 1987 and the number of deaths. Do you agree that both figures are about 37 deaths or whatever?

1430

Ms. Luski: The 37 was your figure from the Workers' Compensation Board. I just point out that this chart is a rate per million hours.

Mr. Wildman: Oh, I see. So it is related to the number of hours worked.

Ms. Luski: That is right. It is not an absolute figure.

Mr. Wiseman: But you said about the same number of deaths, 37 or something; maybe I was wrong.

Mr. Wildman: In 1984 there were 37 deaths and in 1987 there were 37 deaths, occupational deaths recognized by the Workers' Compensation Board.

Ms. Luski: What, the 37?

Mr. Wiseman: The 37 being the same that you are both seeing from the same--

Ms. Luski: I cannot really--

Mr. Wildman: In relation to that, Doug, the 17 or 18 accidental deaths you referred to, I also got that figure from the Workers' Compensation Board. They said that those 17 or 18 were included within their 37 total, so it would seem--

Mr. Wiseman: The hours are good to know but the number of deaths is something that lay people could handle a little better than millions of hours lost.

Mr. Chairman: May I ask as well, you will notice on this chart it is going down until 1975, then there is a line going steadily up. Is that right?

Ms. Luski: Yes.

Mr. Chairman: That is the same base all the way through; in other words, it is rate per million hours for the entire chart.

Ms. Luski: That is right.

Mr. Wildman: Also, in relation to those two charts, do you have any, or does anyone have any explanation as to why, as the chairman indicated, the number of mining fatalities declined from 1966 to 1975 and then started to increase up until now? The number of lost-time accidents increased from 1966 to 1975 and then decreased subsequently.

Ms. Luski: As injuries are going down, fatalities are going up.

Mr. Wildman: While the number of injuries may be declining, the ones that are taking place are more serious.

Ms. Luski: That is right and that is a very confounding observation.

Mr. Chairman: Just to add to that, it is also true, I believe, that when the accident rate goes down, the length of time off work per individual injured worker is dramatically longer in the last years, so there are some really disturbing aspects to mining injuries and fatalities going on. To my knowledge, people do not have the answer, although some people are hinting at new mining methods, or saying it outright.

Mr. Wildman: Mine design.

Mr. Wiseman: I should remember this, but when occupational health and safety came in, what year was that?

Ms. Luski: That was 1978.

Mr. Wiseman: I just wondered if we could go by that top chart, that maybe we have been successful in bringing those down since they came in.

Mr. Wildman: The joint health and safety committees are not as effective as--

Mr. Chairman: When we get the WCB before this committee, I think there are a number of questions we can ask it. They have very good stats on the length of time people are off, kinds of injuries, that kind of thing. We should keep that in mind.

Ms. Luski: In terms of the trend for injuries, the Ham commission reviewed compensable injuries over a five-year period between 1970 and 1975, noting there had been a significant rise in the number of injuries per million man-hours, particularly in 1973 and 1975. The Ham commission reached the following conclusions, based on the data, that in terms of injuries--

Mr. Chairman: Excuse me, this is page 4 you are following through.

Ms. Luski: In terms of injuries, Ontario compared favourably to jurisdictions outside Canada. The frequency of injuries was higher among younger miners, especially those under 30, and those with less skill. An excess of injuries was found to be on the three to 11 late afternoon-evening shift.

The Burkett commission updated the statistics of the Ham report. This resulted in the following observations: After 1975, the trend of rising lost-time injuries was reversed and there was a decline. Between 1979 and 1980, there was a noticeable decline in accidents occurring to younger miners compared to 1974.

Mr. Wildman: In 1971, how many are there?

Mr. Wiseman: I was going to ask that. When we see that top chart declining, are we dealing with approximately the same number of miners in 1987 as we were in 1976 or so? Would that help to make that chart go down the way it is?

Ms. Luski: I do not know if the statistical analysis accounts for the decrease in the number of miners in the industry.

Mrs. Marland: I just have a question on the excess of injuries on the afternoon and evening shifts. Is there anything for miners that requires that they cannot have other employment? If they are employed by a mine, are they allowed to moonlight and have other jobs?

Ms. Luski: I do not know the answer to that.

Mrs. Marland: They are allowed to, because that is obviously a relevant statement and that is why it is included here. You have to wonder whether it is related to the fact that they are working at another job in the morning instead of having had a proper rest and getting prepared. Obviously, it is an understatement to say the job is hazardous and has risks, and hazards and risks are always accelerated if you are not prepared for them.

Ms. Luski: That is worth looking into as a factor. I had not considered that, but I think it is pertinent.

Mrs. Marland: It would be interesting to know.

Mr. McGuigan: How does that compare to other industries? I am guessing that it is probably true of other industries.

Ms. Luski: This particular shift?

Mr. McGuigan: Yes.

Ms. Luski: I do not know how it compares with, say, the pulp and paper industry. I imagine that information could be had somewhere.

Mr. McGuigan: We are all speculating, but I would like to suggest that in other industries there has been a market increase in the safety of machines that have been manufactured during this period of time, from 1976 to the present. It could very well be that people are being careful of fingers and there is less danger that way and, again, at the same time the roof caves in and kills them.

Mr. Miller: I just might tie in 1978 to when the Occupational Health and Safety Act came into effect. Perhaps there was more education on that basis. How does that work? Do they have a training program when they bring in new people?

Ms. Luski: Yes, they do. They have a core training program that is mandatory for new miners.

Mr. Miller: I think maybe younger people are more aggressive and you have to have experience of working, too. I think that with that experience you protect yourself.

Ms. Luski: The studies have shown that as experience increases, injuries and fatalities decrease--in the mining industry, at least.

Mr. Chairman: If there are any questions that we are unable to answer now, there are experts coming along, so do not forget them. Do not let them go away. We want answers to them. OK, Mr. Miller?

Mr. Miller: Yes.

Mr. Wildman: In regard to the question Mrs. Marland asked about the number of hours worked related to accident rate, are there any studies that were done in terms of the effect of overtime on accident rate?

Ms. Luski: I did not come across any.

Mr. Wildman: That would be useful for us to find. Also, besides the inexperience of the younger miner, it might be argued that more younger miners would be involved in the bonus system than older, more experienced, less aggressive miners.

1610

Mr. Chairman: The other thing that the committee is going to have to struggle with in statistics is trying to come up with numbers that are constant. Either we deal with rates or we deal with numbers.

I think it is very confusing when you look at the charts that talk about rates and do not talk about the number of fatalities. For example, the rate per million hours: There are fewer miners underground now than there were 10 years ago, and so the rate would be affected; you could have a lower number of fatalities and a higher rate because of the fewer number of miners.

I think we are going to have to come to an agreement that either we do both or we do one. We are going to have to keep an eye on it.

Mr. Wiseman: That is (inaudible) chart; the same thing applies, does it not?

Mr. Chairman: Yes.

Ms. Luski: In terms of this chart, using this scale and rate, in terms of mining fatalities, 0.36 is at the top of the scale; that would result in about one mining fatality per three million hours of work. That is how it works out.

Mr. Wildman: It would be useful too, as was suggested by Mr. McGuigan, for us to have some comparison figures.

Mr. Chairman: To other industries?

Mr. Wildman: Other heavy industries like the pulp and paper industry.

Mr. Chairman: Maybe we could compare it to pulp and paper and stockbrokers.

Mr. Wildman: Frankly, I think--

Mr. Wiseman: I think the Workers' Compensation Board has those; it puts people in certain categories of risk.

Mr. Wildman: Yes, the Workers' Compensation Board has those. The three most risky industries are underground mining, pulp and paper and farming.

Mr. Wiseman: I was going to say you were leaving farming out.

Mr. Chairman: Maybe we can compare yearly income between miners and stockbrokers while we are at it.

Interjections.

Mr. Chairman: We need to be reminded from time to time who creates wealth; that is all. And we do not allow Marxist discussions in this committee; so stop looking that way, Mr. Brown.

Ms. Luski: OK. Returning to the Burkett commission, it updated the statistics of the Ham report. After 1975, the trend of lost-time injuries was down and there was a noticeable decline in accidents occurring to younger miners and also a decline in the percentage of accidents occurring to inexperienced miners. As that chart indicated, the trend now in terms of lost-time injuries is a downward decline.

Turning to fatalities, the Ham commission analysed mining fatalities for the period 1970 to 1974 from a sample of fatality reports from the mines engineering branch. Based on that, it made the following observations:

Similar to injuries, the overall fatality rates in Ontario metal and nonmetal mines were superior to other jurisdictions, both inside and outside Canada. Underground operations were the most risky in comparison to other mine operations for that period. Younger workers accounted for a greater-than-expected proportion of fatalities, and this was consistent with the pattern for injuries. Again, unskilled and semi-skilled workers were at the greatest risk. With fatalities, the risks were greater on the 11-to-seven night shift.

Mr. Chairman: Before you go on--maybe it is unfair to ask you this, maybe it should be somebody else--when they talk about a mining accident, I assume that includes the mill, the smelter, the refinery and the railroad operations on the surface. I assume it is all included.

Ms. Luski: Rather than just the underground operations?

Mr. Chairman: Yes.

Ms. Luski: I should think so.

Mr. Chairman: OK.

Mrs. Marland: The total operations.

Mr. Chairman: Yes.

Mr. Wildman: The reason it is a guess on the Inco--

Ms. Luski: Yes, that would certainly be something to confirm with the industry and the--

The Burkett commission updated the statistics in the Ham report and observed the following fatality trends. Ontario's fatality rates compared favourably with the US and Sweden but not with British coal mining. An interprovincial comparison of fatality rates revealed that Ontario had lower rates than three other provinces--British Columbia, Manitoba and Quebec--and fatalities had declined slightly among the unskilled in 1975-80 compared to 1965-74, suggesting I am not sure what.

A slightly higher proportion of injuries occurred to workers under 30 during the 1975-80 period than during the 1965-74 period, and the data showed a decrease in the proportion of fatalities among those with less than five years of experience.

There was a 13 per cent increase in the proportion of fatalities on the day shift compared with 1965-74, with a corresponding 13 per cent decrease in the proportion of fatalities on the afternoon-evening shift, and the fatality rate was four times higher for outside contractors than for miners.

Mr. Chairman: That is an interesting statistic. I think the reason for that, although I stand to be corrected by the Workers' Compensation Board or whoever when we get them before us, is that the outside contractors often sink the shafts.

Mr. Wildman: They build the mine.

Mr. Chairman: They build the mine, basically. The last time I checked, the highest rate of compensation in Ontario was for those people, and they were paying almost 30 per cent of their annual wages in compensation assessment. That is an interesting thing to get into with the board when it comes before us. It is truly scary when you see the rate they pay but also the reason they pay that rate. It is extremely high.

Mr. Wildman: Also, a lot of those contractors tend not to be unionized. They are not organized.

Mr. Chairman: That is true.

Ms. Luski: The trend in accidents and injuries that we have seen, the injury rate going down and the fatality rate going up, has confounded the iceberg theory of mining fatalities, which holds that fatalities are just the tip of the iceberg and that underneath that you have a number of accidents. According to the iceberg theory, if you reduce your lost time accident rate you should be reducing your fatality frequency, but that is not the case here.

Mr. Wiseman: Did you ever check to see in any of those committees that Mondays and Fridays were more accident prone than midweek?

Ms. Luski: None of the tables made that kind of comparison.

Mr. Wiseman: Do they not?

Ms. Luski: No.

Mr. Wiseman: It has always been my theory that you get less out of your employees on Monday and Friday than you do midweek. They do not seem to be as sharp on Mondays or Fridays. I wondered if more accidents occurred when that seems to happen.

Ms. Luski: There could be a relationship there.

Turning now to the internal responsibility system, which was a dominant theme running through the recommendations and the findings of the Ham report and the Burkett report, this theory or this concept of internal responsibility is a system of self-compliance which delineates the powers and responsibilities of those in the workplace. It is composed of direct responsibility, which falls to management, supervisory staff and the worker, and indirect responsibility, which falls to external sources, such as joint health and safety committees, the mining health and safety inspectorate, the Ministry of Labour--external agencies which basically keep the direct responsibility system in check.

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Turning to the direct responsibility system, the key component of that is the chief executive officer, who, according to Burkett, must assume primary and direct responsibility for the health and safety of workers. He is very key in terms of promoting a health and safety ethic at the workplace.

The first-line supervisor is next in importance in terms of ensuring safe production, and Burkett recommended that there needed to be increased supervisory training among supervisory staff because of the pivotal role they hold in the organization. He recommended that a modular training program be developed for first-line supervisors, both underground and aboveground.

Turning to the worker, the Burkett commission emphasized that the worker was a key player in any program of accident prevention, and he recommended that each worker review his commitment to safe work practices and assume the full range of responsibilities as a member of the internal responsibility system.

Mr. Chairman: I am sure that when the committee hears from the major trade unions they will have comments on the internal responsibility system, so we are not trying now to bias judgement in any one way but simply to give members an overview of what these committees recommended.

Ms. Luski: The contributive responsibility is composed of joint health and safety committees and a number of other agents that, according to Dr. Ham, would enhance the responsiveness of the internal responsibility system.

He noted that the joint health and safety committees were characterized by adversarial relationships between management and labour and recommended a number of measures in terms of possibly depoliticising and lowering the level of tension between the two parties.

Some of those measures included joint training of members of the joint health and safety committee in terms of both getting the same message at the same time.

He suggested that a worker safety representative would be provided who would be given time to look into health and safety matters and prepare committee agendas and work with the health and safety committee, along with supervisory staff, to ensure that the internal responsibility system was functioning effectively.

The Ham commission recommended the provision of worker auditors at a ratio of one worker auditor to every 25 employees and that a worker auditor be appointed to each mine and plant under a statute. Their role would be primarily advisory and they would devote part of one shift per month to reviewing health and safety conditions.

The Burkett commission did not recommend a worker auditor but liked the idea of worker safety representatives, who would be more closely integrated with the first-line supervisor, in terms of identifying hazards and departures from standard practice. The Burkett commission also recommended that a safety department in each mine be maintained to assist line organization in safety performance, and that this safety department should have direct access to the chief executive officer.

The mines inspector of the mining health and safety branch of the Ministry of Labour is a key component of the contributive responsibility system. When Ham wrote his report in 1974 to 1976, the responsibility for health and safety matters resided in the Mining Act. It was following the release of the Ham report that an occupational health and safety division was created within the Ministry of Labour. It is responsible for compliance programs of the various mines and includes onsite tours to ensure compliance

with the Occupational Health and Safety Act and the regulations for mines and mining plants.

Again he noticed friction between the mining inspectorate and the mining industry and made a number of recommendations to improve the level of communication, which he thought was impeding health and safety performance. These basically include--

Mr. Chairman: Excuse me. Before you get into that, he is really talking about between the mining health and safety inspection branch and the industry itself.

Ms. Luski: Yes, the industry itself.

Mr. Chairman: Not the workers.

Ms. Luski: Not the workers: management.

Mr. Chairman: The companies.

Ms. Luski: Yes.

A number of his recommendations included initiatives to ensure better communication between the health and safety branch and the industry to inform them of any new initiatives, policies, practices in the branch; that the branch inspector should meet with the worker safety representative both before and after the mine inspection to review any outstanding issues or safety concerns; that the branch inspector be trained to respond to the relationship difficulties between management and the union in health and safety matters; also to review the health and safety committee minutes to get a feel for whether there were any breakdowns in communication in the committee. He also recommended that branch engineers be relieved of workplace inspection duty and assigned responsibility for investigation and predevelopment review, consultation.

A tripartite committee responsible for reviewing mining regulations was recommended to study coroner's jury recommendations for possible general application. The ministry was asked to adopt a more even-handed approach to prosecutions of first-line supervisors and to focus more on acts of negligent compliance with the act and regulations.

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Mr. Chairman: I am sorry, but I do not know what that last little paragraph means. Do you know what he was getting at there?

Ms. Luski: Yes, to launch prosecutions where there was evidence of overt neglect of the act rather than, I guess, be sort of picky. That is what I got from that section.

Mr. Chairman: Not to dwell so much on the first-line supervision but to go after the underlying causes. Would that be a fair statement or not? I am confused. You say "focusing more on acts of negligent compliance." More than what? More than prosecutions on the first-line supervision? I am a little confused.

Mr. Wildman: It sounds to me like he is talking about prosecuting the company, charging the company rather than the foreman.

Ms. Luski: I will clarify that for you at the end of today or early tomorrow morning.

Mr. Chairman: Fine.

Ms. Luski: In terms of the mine inspectorate, one of the recommendations of the Stevenson committee in 1986 was that ministry inspectors be trained to deal with site-specific and ground control problems and enforce ground control regulations more vigorously.

The Mines Accident Prevention Association of Ontario is a safety association operating in accordance with section 119 of the Workers' Compensation Act, which permits employers to form a safety and accident prevention association. The role of the MAPAO is primarily educational and it also compiles injury statistics and undertakes new initiatives from time to time.

The Burkett commission observed that the MAPAO was weak in terms of identifying factors inhibiting safety performance and also weak in involving labour in its activities. It therefore recommended that the MAPAO sever its links with the Ontario Mining Association in terms of shared personnel, facilities and services.

Mr. Chairman: Do you know if that has happened?

Ms. Luski: I believe it has. That is a question we can ask the Ontario Mining Association, but I believe that has already happened.

He recommended that the MAPAO establish labour-management committees and seek more labour representation and representation from the public on its board of directors. In terms of the union, Burkett recommended that each union re-examine its commitment to health and safety matters with a view to achieving greater management co-operation, and that wherever possible, these efforts be supported by the parent labour body.

The types of mining accidents identified by the Ham report include the following, in order of greatest significance: fall of ground, fall of person, haulage--and I am not exactly sure what that means--fall of object, run of muck, explosives, drowning, burns, suffocation and electrocution.

When the Burkett commission updated this study for the period 1975-80, it noticed that the proportion of injuries in this list had remained fairly stable, with one exception: Fall of person and fall of ground reversed themselves. Fall of person became the most prominent fatality statistic.

According to a quarterly report put out by the Ministry of Labour that reviews accident incidents and fatalities, for the period January to September 1987, there were four fatalities involving falls of person, two fatalities involving workers being crushed by a vehicle, one fatality involving electrocution, four involving fall of ground, one involving fall of object, four involving run of muck, one fatality involving haulage--or hoisting; I think that was what this dealt with. With some of the mining terms it is a bit difficult to get an idea what they mean. There was one fatality involving explosives.

Turning to rockbursts, which are instantaneous failures of rock causing an explosion, during 1984 and 1985 there were 214 recorded rockbursts in Ontario, ranging from 1.5 to 4.0 on the seismic scale.

The Stevenson inquiry's major recommendations dealt with the subject of ground control and rockbursts. Its major recommendations on the subject were as follows:

In terms of research, additional research would be required, particularly the establishment of a research organization to co-ordinate research activities into ground control and rock mechanics.

Training: Common core training for new miners, which is a program to equip miners with minimum skills to work safely in a mine, should be expanded to include a section on ground control.

Mr. Chairman: Just so members are comfortable with that term, it means when you are underground, the rock that surrounds you always, the ground. Controlling that is what makes your job safe or dangerous. Fall of ground means the ceiling coming down on you.

Mrs. Marland: Could I just ask, now that we are talking about rockbursts, in this section are we only talking about rockbursts in relation to the actual activity at that time related to movement in the given area where the miners are working, or are we also talking in this section about a natural rockburst that is not related to the actual instant activity at that location?

Mr. Chairman: I think I can help a bit here. I am sure Mr. Pakalnis from the Ministry of Labour will correct me if I am wrong. That means in mines. They can record rockbursts in mines now.

Mr. Wildman: Seismic.

Mr. Chairman: Yes. I know there is one right near where I live. Creighton Mine, I think, has the highest recording ever recorded on the seismic scale in any of our mines. It has to be a mining operation and it has to be an open surface where it explodes out from solid rock.

Mrs. Marland: Yes, I understood that.

Mr. Wildman: It may or may not be related to an active mining operation. It is a mining operation but there might not be somebody drilling in the area where the rockburst occurred.

Mrs. Marland: That is what I meant. It occurred to me that when you are using seismic measurement, you might have a rockburst as a natural phenomenon at a particular time that was totally unrelated to the mining activity at that given time. It may in fact be a natural phenomenon in that location or it may even be a weakness that was timed to burst at some time but happened to burst just at that time. Are these rockbursts in this section related to all kinds of rockbursts below the ground in a mine?

Mr. Chairman: I do not think you would have a rockburst if mining were not going on; I think the rock would just sit there. It is when you release some of the pressures by removing ore that allows the rest of it to explode. There are people who know this subject better than I whom you could ask as time goes on.

Mrs. Marland: So that is what a rockburst is.

Mr. Wildman: You could have an earthquake, but that is not necessarily a rockburst.

1510

Mrs. Marland: That is what I wanted to be clear. Even without an earthquake that is very generalized, you can have a very isolated tremor that may take place in exactly this setting but not be related to the mining activity.

Mr. Wildman: I think what concerns so many people and what led to the establishment of the Stevenson inquiry was that the instances of rockbursts seemed to be increasing.

Mrs. Marland: And providing a greater risk.

Mr. Wildman: Yes. There were suggestions that may have been related to new types of mining and the fact that perhaps there were less supports being left to hold up the rock--less rock being left to hold up the overhead rock because of new methods of mining.

Mr. Chairman: A week from Thursday, Dr. Calder is appearing. He is an expert in this field.

Mrs. Marland: OK. Thank you.

Mr. Wiseman: Some of us are not too familiar with mines; is it that (inaudible) to get around some of those problems that Margaret was talking about?

Ms. Luski: I think there are some backfilling operations, yes.

Mr. Chairman: I am glad we are going to have experts coming before the committee.

Ms. Luski: I think mining is a rapidly changing industry; and it would be good to be brought up to date on the various techniques that may or may not contribute to this problem.

Mr. Chairman: I do not know whether we will see it when we go on a tour, but there is various sophisticated equipment they have now that is computerized. A control room above the surface records any kind of movement of ground, even on the previous shift or as it is occurs, and records it on a graph.

Mr. Wildman: To be fair, some locations are far more stable than others, and some types of rock are more stable than others. Every mine is different.

Mrs. Marland: The degree of risk can often be associated directly with the type of mine, obviously.

Mr. Wiseman: Could that be part of the reason why British Columbia had fewer fatalities with its coal mining, because the mines are not down as far? The rock around the coal is more stable, maybe not in the pits but as you go down in some of the other mines. Could that be a factor?

Ms. Luski: It is possible. I think that is something we should ask Dr. Calder when he appears.

Just finishing off the recommendations of the Stevenson inquiry:

In terms of education, he recommended that college and university instructors who train mining engineers be required to have a practical knowledge of rock mechanics in real mining situations rather than lab experience.

He further recommended that mining companies reassess the effectiveness of providing information on ground control and emergency preparedness to employees.

In terms of mine design, while mine management would continue to assume responsibility for mine design, it should accept the need to use appropriate technology in designing the mines.

Emergency preparedness: Current mine rescue organization, which is primarily geared to firefighting, be expanded to handle all underground emergencies.

Mine lighting: Auxiliary high-intensity lighting be made available in all active work areas to assist in ground control activities.

Monitoring and instrumentation: Research into improved rock mechanics instrumentation of all types be undertaken, and fall-on protection systems would be mandatory on all vehicles operating in high-risk areas.

Mr. Chairman: I think that means cover over your head on the underground scooptrams, trains and so on.

Ms. Luski: That is exactly what it means. This jargon is a bit confusing.

The Ministry of Labour was asked to establish a technical support centre for ground control.

In May 1987, regulation 694 under the Occupational Health and Safety Act was amended and several of the concerns of the Stevenson inquiry with respect to mine design, training, communications, lighting and fall-on protection systems were put into regulation.

The Canada Centre for Mineral and Energy Technology, which is a division of Energy, Mines and Resources Canada, has developed a proposal to study rockbursts with a view to improving seismic monitoring equipment in order to more accurately predict rockbursts. A project costing \$4.2 million over a five-year period was initiated in September 1985; this was financed by the federal and provincial governments and the Ontario mining industry.

Factors contributing to mining accidents and fatalities:

Production bonus: The Burkett commission questioned the bonus system as a possible contributing factor to mining accidents in light of the fact that a mine in Timmins, which does not use the bonus system, boasts the best safety record in the province. In light of this, the commission recommended the bonus system be discontinued, and should such plans not be discontinued voluntarily, Burkett recommended that government legislate an end to the bonus system.

Mr. Wildman: That has been done in British Columbia, has it not?

Ms. Luski: I am not aware of that, but it would be worth looking into.

Mr. Chairman: So that members of the committee understand, the bonus system plays an important role in underground mining. Underground miners can earn--I am not sure--double their rate by being on an individual bonus system, whether it is how many bolts they drill in a day to protect the fall of ground or whether it is how much ore they take out; that kind of thing.

It is an important issue in mining and it engenders much heated debate among miners, because they feel that if you take away the bonus system, you are taking a lot of bread off their tables. It is a hotly debated issue in the industry.

Mr. Miller: Is there any proof it affects the safety?

Mr. Chairman: That is the question. That is what is debated.

Mr. Wildman: It has been argued, because if you are on bonus, the faster the work, the more you do, and the more you make.

Ms. Luski: A 1983 study prepared for the Ontario Mining Association concluded that the production bonus system does not expose miners to higher risk levels than would otherwise be encountered. The OMA study highlighted an example of a US mine with an outstanding safety record which did employ the bonus system. A 1986 Quebec study could reach no definitive conclusions about the relationship between production bonus and accident rates. So it is an area of conflicting conclusions.

Mr. Wiseman: Can I just ask you one thing? Maybe I missed it. Do we have bonuses in Ontario?

Ms. Luski: Yes, we do.

Mr. Wiseman: We still do have some.

Mr. Wildman: In most mines.

Mr. Chairman: I do not know whether the Workers' Compensation Board keeps records based on bonus, but it would be interesting to know what proportion of injuries and fatalities occur to workers on bonus. That would be an unfair statistic in itself because most underground miners are on bonus, so you would have to include a statistic that said, "Was it a contributing factor?" to try to determine that. That is why just a simple statistic is not sufficient, because even if the workers were not on bonus, some of them would be killed. How do you know that?

Mr. Wildman: It would be interesting also, if they have eliminated the bonus in British Columbia, to see what effect, if any, that has had on fatality and accident rates in BC since the change.

Mr. Chairman: Right, and how they compensated the workers for that reduction in bonus pay.

Mr. Wiseman: Would they not already have something like that? Would not the health and safety, after an accident--I know it is after the fact--go in and say it was carelessness on the part of the employee, perhaps he or she did not shore it up or did not wait for it to be shored up or whatever? Could

they not get those statistics and say it was just an accident, an act of God, that something happened or it was carelessness on the part of the worker?

1520

Ms. Luski: I think the Workers' Compensation Board reports have some descriptive data on each of the accident reports: who, what, where, when and why criteria.

Mr. Wildman: Also, the Ministry of Labour inspector and the joint health and safety committee have to investigate an accident. In terms of the fatality in an underground mine, they all have to have a coroner's inquest.

Mr. Wiseman: It is similar to when there is an accident on the railroad. They send out an inspector to check it out.

Mr. Chairman: At this point in time, we do not have those statistics, however. It would interesting to have some of those.

Mr. McGuigan: I was on select committee on Ontario Hydro affairs in 1981 and we were studying uranium mines. As I recall, the evidence then was that the really good miner on a bonus system who is turning out big tonnage is also the safest miner. The suggestion was, though, that younger miners trying to emulate him were the ones who perhaps got into trouble. The evidence was there that the high-tonnage miner was also the safest miner.

Mr. Chairman: That is a good example of the kind of debate that goes back and forth on the question of bonus.

The uranium mines, by the way, are under federal jurisdiction. However, the province is responsible for administering health and safety in the uranium mines, so I would think that we would want at least to visit Elliot Lake. Would we not, Mr. Brown?

Mr. Brown: That would be a fine idea.

Mr. Wildman: Particularly since the whole thing with Ham and the occupational health and safety legislation occurred largely because of the strike by the miners in Elliot Lake.

Mr. Chairman: As long as Mr. Brown promises not to engage in any Marxist rhetoric.

Mr. Brown: I will try to hold it down.

Ms. Luski: Working alone: The Ham commission report recommended that persons required to work alone be properly qualified for independent work and that when such persons were working under nonstandard conditions with no means of communication, they be visited at least three times a shift by a first-line supervisor.

Mine lighting: The Burkett commission considered that inadequate lighting could be a possible cause of underground accidents and recommended that the MAPAO undertake a research project to identify lighting requirements in different mines and to study the relationships of improved lighting, productivity, equipment damage, absenteeism, etc.

The Stevenson inquiry noted that poor lighting can be a contributing factor in underground accidents. One of the inquiry's recommendations was that

high-intensity lighting be available, and this was added to the regulations for mines and mining plants passed in May 1987.

Alcohol and drugs: The Burkett commission noted that miners and mining plants probably do not abuse alcohol or drugs to any greater extent than any other groups of workers or plants. But, to gain greater insight on the issue, they recommended that the MAPAO commission a study to explore the link between accidents and alcohol and drug use at three major mining companies and that the mine management and unions adopt an alcohol and drug abuse program at the workplace.

Other issues: As we saw from the statistics involving contractors, there is a poor safety record among contractors who are nonminers who perform various duties, such as shaft sinking, in each of the mines. Burkett recommended several initiatives that the company and the mining health and safety branch could take to reduce the accident level among contractors. These include stipulating safety requirements to the contractor, inspecting the project, giving preference to safety-minded contractors and establishing a system of merit rating when determining the amount of Workers' Compensation Board assessment for contractors.

Finally, accident database: The Burkett commission recommended that the Ministry of Labour, in consultation with the MAPAO, determine the specific information required to maintain an occupational database for mines and mining plants which would satisfy the following criteria: that it be clear, unambiguous in terms of its accident definitions, that it contain a profile of each reportable accident and that there be aggregate current data by firm and industry in terms of the number of workers within defined worker subgroups, including age, service, occupation, shift, etc. It further recommended that the occupational health and safety division be provided with the resources and expertise to collect, analyse and disseminate the information.

In conclusion, the several commissions of inquiry that have gone on since 1974 have raised a number of issues to be dealt with. Some of the issues identified, such as rockbursts, ground control and mine lighting, may be addressed more easily through a technological fix, but the bulk of the issues falling within the parameters of what has been defined as the internal responsibility system suggest problems of a more human element, such as inadequate communication and adversarial tradition, and these may prove more challenging to address.

Mr. Chairman: Thank you, Lorraine. When we end up trying to pull together a report at the end of all our studies, trips and so forth, we might want to go back and see which of the major recommendations have been implemented in Ontario and which have not. At this point in time I could not tell you. I think perhaps it is a little early to do that now, but it would be interesting to know to what extent that has actually happened and to what extent we want to recommend that it occur. I would not want to prejudge that at this point.

Are there any questions of Lorraine on the summary of the reports that have been done in the last 15 years or so? Are we OK on that? You have in your kit the Stevenson report, and you have the excerpt from Ham. That is a huge report, so there is an excerpt from it that deals with accidents and fatalities in mines. Do we have the Burkett report? There are no Burkett's around. We cannot lay our hands on the Burkett commission report.

Ms. Luski: I have it.

Mr. Chairman: Lorraine has more than one. We tried to get copies of all of these for the committee members.

Ms. Luski: Here is a summary of all of the recommendations.

Mr. Wildman: That would probably be useful.

Mr. Chairman: Are they available?

Clerk of the Committee: No.

Mr. Chairman: They are not either. So we might want to make copies of these for the members. That would probably be a good idea.

1530

Lorraine, you were the one who assembled this information, were you not?

Ms. Luski: Yes.

Mr. Chairman: Before we go to Anne, could you tell the members what you have pulled together?

Ms. Luski: Sure. I will just use your copy, if I may.

This is the report of the Canada/Ontario/Industry Rockburst Research Project, which was identified in the summary. This is an ongoing study that has been headed up and financed by two levels of government and the mining industry.

Mr. Wildman: Have they gotten to South Africa? I understand they were supposed to visit South Africa.

Ms. Luski: I do not know if they have.

Mr. Wildman: The reason I ask that is that I did some research into mining accidents in South Africa, and it is interesting that the government there defines the vast majority of causes of accidents in South Africa as acts of God.

Ms. Luski: The Influence of Bonus, Age and Experience on Quebec Underground Accidents: this is a Quebec study, the Quebec study I mentioned, which deals with the relationship between accidents and bonus.

Mr. Chairman: I think this is the one that said there was no link.

Ms. Luski: Right; they could not reach any conclusions.

Health and Safety in the Canadian Mining Industry: this is a chapter out of this publication, which is put out by Queen's University, and this deals with the Canadian mining industry per se. This just does not look at Ontario, but it looks at other provincial jurisdictions. The report of the Royal Commission on the Health and Safety of Workers in Mines: this is the Ham report. There are a couple of memos or letters to the chairman of this committee from members of the fatalities committee and the MAPAO dealing with this issue and offering assistance to this committee.

Mr. Wiseman: Just when you gave your opening remarks, you mentioned how many mines there were in Canada, I believe.

Ms. Luski: Ontario.

Mr. Wiseman: Ontario. Could you give a layperson an idea of how many there are? We know how many there are in Ontario, then, from the record, but what is the next largest province? Is it Quebec? Is it Manitoba? Just so we know who is next in line after us.

Mr. Chairman: For the number of mines?

Mr. Wiseman: Yes.

Ms. Luski: I do not know that information at this point, but I would be happy to find that for you.

Mr. Chairman: I am pretty sure it is Quebec, but we do not have the numbers.

Mr. Wiseman: I just wondered as a layperson. Manitoba, I guess, has a fair number.

Mr. Chairman: The other document that is in your kit is this little green book, and despite the fact that there is a Ministry of Mines, health and safety in the mines is under the Ministry of Labour. This is the act that governs health and safety in mines.

Anything else?

Mr. Wiseman: Just before we leave that, since occupational health and safety came in in 1978, have we seen a--at the end of every year, where they give their reports on the number of accidents, the number of infractions they might have run into where covers were not on certain machines or certain machines were not up to par and this sort of thing--have we got something that shows a steady decline in that or in the number of reported infractions so that it will give us an idea if the mining industry is following its instructions or--

Ms. Luski: Sort of a progress report?

Mr. Wiseman: Yes. We know when the person comes around from the Workers' Compensation Board or something like that to an industry, he often finds certain machines that do not have guards on them or whatever, and I just wondered. Within in the mining industry they must have found, when they took over in 1978, a lot of machines, maybe, that were obsolete or were not up to par or this. Where does that stand from 1978 to now?

Mr. Wildman: Basically, the number of infractions.

Mr. Wiseman: The reports go down on the infractions over those years. That might have a bearing on the reduced number of small accidents or minor accidents.

Ms. Luski: You are basically asking if this act had an effect on the incidence rate of infractions?

Mr. Wiseman: Yes, from when it started in 1978 to the present time, even though we are probably dealing with fewer miners today than we were in 1978.

Ms. Luski: I think that is a question for the Ministry of Labour which I believe is appearing tomorrow.

Mr. Chairman: Mr. Pakalnis is chock full of this kind of information. I think it is a good question. We will have it tomorrow.

Any other questions at all on this part of the presentation this afternoon? If not, we will move on to Anne Anderson who has done a review of legislation of other jurisdictions concerning health and safety in mines. I will let her speak to that.

Ms. Anderson: I actually looked up quite a lot about the Ontario legislation because I was not sure how familiar everybody was with it. I have taken the Ontario legislation and supplemented it with comments from other jurisdictions, strictly from a nonlegal point of view, just as a quick overview.

Mr. Chairman: We will be forever indebted.

Ms. Anderson: It has already been mentioned that the prime piece of legislation in Ontario is the regulations for mines and mining plants in the Occupational Health and Safety Act, which is administered by the Ministry of Labour. This is in contrast to most of the other provinces where the mine safety regulations are administered by departments of mines, natural resources or energy.

In the United States, mine safety was transferred from the Department of the Interior to the Department of Labour in 1977 and is now enforced by the Mine Safety and Health Administration of that department, but mine safety research is still under the jurisdiction of the Department of the Interior.

I think you all have the list, this book, now and it gives a very comprehensive list of all the regulations. I am not going to go through it very precisely at this point.

The main provisions that come out of it being put under the Occupational Health and Safety Act and the Ministry of Labour, rather than Mines and Natural Resources, are provisions that give the workers the right to refuse work if they consider it to be dangerous and the setting up of a health and safety committee whose functions include regular inspections and identifying and reporting hazards to the employer.

The United States also encourages its miners' representatives to report any hazards to the government authorities, the Mine Safety and Health Administration branch. If such a miners' representative requests an inspection in writing, if they feel there is some danger, then the MSHA has to respond to it. I believe that is in contrast with here where the reporting is done to the employer, not necessarily to the ministry.

Mr. Wiseman: Could I just ask a question? In a large mine, does the occupational health and safety branch have someone on site at that mine or does it have to be called in? If they are large enough and have a few thousand employees--I do not know if there are any that large, but if there are--do they have someone right there an employee could go to or who could go down in the mine or walk around and see that everything is OK?

Ms. Anderson: I do not believe so but I can check that. I think there are branch offices that--

Mr. Wiseman: Would it be helpful for us to know how many people within occupational health and safety actually do mine inspections?

1540

Mr. Chairman: We know there are 26 health and safety inspectors in the occupational health branch. That we do know. Anyway, it is a good question.

Mr. Wiseman: I just wonder if there are enough.

Mr. Chairman: Yes, right.

Mr. McGuigan: One for two mines.

Mr. Chairman: But you have to be careful with those kinds of numbers, because for example, while Inco is one company, it has I do not know how many mines in the Sudbury basin.

Mr. Wildman: They may be treated as one mine.

Mr. Chairman: It has a bunch of mines in the Sudbury basin.

Mr. Wildman: They have a lot of other mines. The same with the mines at Elliot Lake; each company has more than one.

Mr. Wiseman: Are those 26 all just in mines or do they do other types of inspection?

Mr. Chairman: No. We are talking about in the mining health and safety branch.

Ms. Anderson: In England, there are also things called "worker inspectors," who are appointed and employed by the trade unions. The employer has to permit these worker inspectors to monitor and report on health and safety conditions at least once a month. When they report, they have to report in writing in a book that is specially provided for the purpose, send a copy of their report to the inspector and post a copy of their report for the workers on the health and safety conditions.

Mr. Wildman: This does not happen here. Some mines have them.

Ms. Anderson: It is not legislated, but we have it here.

Mr. Wildman: They have it by negotiation. They have negotiated with the employer, in Elliot Lake for instance, but it is not legal.

Ms. Anderson: No, it is nonstatutory in Canada. In the United Kingdom, if it is requested, the employer must permit that.

Mr. Wiseman: Do they do spot checks without being asked to come in on a particular issue?

Mr. Chairman: Let me help you out here. I think some of these questions, while they are good questions, should be held for Mr. Pakalnis tomorrow. He is the director of the health and safety branch for the Ministry of Labour in all of these.

Ms. Anderson: Accident reporting is also contained in the Occupational Health and Safety Act and all accidents, explosions and injuries

must be reported to the inspector, the health and safety committee and a trade union, as well as the Workers' Compensation Board, usually within two days; in some cases, within four days.

I looked at various provisions that related to accident prevention itself and got a few numbers from Ontario's mining health and safety branch to give some context to which kinds of accidents were more prevalent. The list I looked at did not actually look at accidents but what they call "unusual occurrences," which maybe was the forerunner of that. The most common ones were hoisting, again, which is moving things up and down; rock movements, both bursts and falls; and electrical problems. Between one fifth and one quarter of all these occurrences result in fire as well. That seems to be a fairly common problem.

Mr. Chairman: Excuse me. Are these the statistics on page 5?

Ms. Anderson: Yes. The Ontario regulations specify that the owner has to keep a mine design that includes an assessment of the ground stability of the mine, and that assessment has to be updated at least annually and certainly before there are any alterations made. The drawing from plans must be extensive and must be kept on site and available for people, including the joint health and safety committee, to look at all the time.

Before a mine is opened, an inspector must be notified and provided with the plans and generally no work can start without the written approval of the inspector. When closing a mine, then all openings, shafts, surface entrances, etc., must be secured, as they must be at all other times, to prevent inadvertent access.

Mr. Chairman: That is interesting. I understood that when a mine is opened, the company simply sends the plans to the ministry and then proceeds.

Ms. Anderson: And goes ahead. I can check.

Mr. Chairman: Anyway, we can ask Mr. Pakalnis tomorrow too.

Ms. Anderson: There is a specified minimum age. It is 16 years of age if you are at the mining plant or 18 if you are going underground or you are at the working face of a surface mine. In addition, no underground miner can work underground for longer than eight hours in any 24 hours. That might have some relevance to Mrs. Marland's question about overtime. They cannot work overtime underground.

Mr. Chairman: Are there any restrictions on women working underground now or not?

Ms. Anderson: No specifications.

Mr. Wildman: There used to be. That was removed by Bette Stephenson.

Interjection.

Mr. Wildman: Yes, but there are very few underground now. The union contracts were last in, first out. If there was a slowdown or layoff--there are fewer miners now than there were before--someone who was hired before the change would be among the first to be laid off because they were among the last to be hired. There were four women working underground in Wawa. As a matter of fact, one of the ones in Wawa was the first woman to go underground.

Ms. Anderson: With respect to training programs, as Lorraine mentioned, all underground workers have to be trained within the first year of employment in either the common core basic underground mining skills or speciality mining. These training programs are developed jointly by labour and management in the industry and by the Ministry of Skills Development. This training includes things such as scaling, staging, drilling, rock blasting, and rock faulting, but the specifications in the regulations do not seem to cover, specifically, much in the way of safety procedures.

In Saskatchewan, new workers have to be instructed in safety and fire prevention. In the United States, new miners have to receive at least 40 hours of training including emergency procedures and ground control. Here they have to receive ground control.

Experienced miners at a new mine and a new underground mine also have to receive training about the mine itself, about the entrances and exits in emergency; evacuation procedures for that specific mine. All miners have to receive at least eight hours of refresher training at least once every 12 months.

In addition, both Ontario and Alberta have provisions that supervisors are able to speak effectively in English. The Maritimes say that supervisors must be able to speak the prevalent language used in the mines.

The Ham commission made some recommendations about people working alone. In Ontario, a person working alone has to be visited at least three times per shift, unless the worker reports in every two hours, in which case they still have to be visited at least one time per shift. In Manitoba if a worker is alone, the employer must implement a safety plan for circumstances that may result in injury. In Alberta, the foreman or shift boss has to watch over all working places.

Mr. Wildman: I am sorry. What does this mean? "In Ontario, the regulations specify regular communication between the supervisor and the worker?"

Ms. Anderson: It says that they have to be visited three times in a shift by a supervisor or by a competent person.

Mr. Wildman: So if he has an eight hour shift, he could be visited and an accident could occur just after the visit and it would be perhaps a couple of hours before the accident might be discovered.

Mr. Chairman: Is that underground and alone? Was that all operations? Do you know?

Ms. Anderson: Underground.

The regulations also specify learning general safety procedures, the fall-arrest harness, protective equipment use, falling-object protection, the check in and check out system, and many other working procedures. The mine manager also has to examine the mine's workings each day to ensure that all working places are in a safe condition and each shift supervisor must make a daily report on the condition of the work site, noting any areas of danger.

Ontario, apparently, and Saskatchewan and Nova Scotia, are unusual in that they have set out all these working procedures in a separate section of the regulations. Most of the others have them scattered throughout. It is easier to find.

There are specific regulations that look at transportation and haulage of workers and material. They include things like having to have protection over bulldozers and tractors in the event of a rollover. You can only use those underground if there is another worker who will be around to direct you. There are many things like that. Matters are strictly regulated.

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Mine hoisting devices cannot be operated unless the owner has a valid mine hoisting plant permit and shaft conveyance permit issued by the Ministry of Labour.

In addition, all jurisdictions have particular regulations about ropes. Before they are installed, ropes have to be certified that they meet certain specifications, and then they have to be tested every six months in a destructive test at a government-approved testing laboratory. A record is kept of every rope and the tests that are carried out on it. On top of that, employers have to make sure that somebody visually examines all the hoisting ropes every day.

There is also an extensive set of regulations about protection of workers from machinery. It includes provision for the use of explosive-activated tools, precautions for the use of engines, automatic guards on heavy machinery and safety requirements for mechanical equipment.

Electrical installations and equipment in mines are governed partly by the Canadian electrical code, and each jurisdiction has additional safety precautions that are set out. The Canadian Standards Association also establishes minimum requirements for all electrical work.

The transportation, manufacturing and sale of explosives are regulated under a federal act. Provincially, there are additional regulations, such as licensing for surface storage of explosives.

If an accident should occur, then the severity of the damage that happens may be related to the extent of preparedness in rescue; so mine rescue stations are an integral part of mine safety in every jurisdiction, where owners have to establish, maintain and operate a mine rescue station and ensure that all equipment is workable. In addition, some other provinces require that supplementary substations be established to provide extra equipment if it is needed. Everybody on a mine rescue team has to be a holder of a mine rescue certificate and a first aid certificate, and the teams have to practise at least once a month for a two-hour period.

There are also many fire precautions. They are pretty much the same all across Canada. They include emergency procedures, testing of drill and alarm systems, provision of auxiliary fire exits, etc.

Lorraine has already mentioned the Mines Accident Prevention Association of Ontario, with which employers can get together for education in accident prevention.

Over and above the particular acts, mining is covered by other safety legislation, such as the Boilers and Pressure Vessels Act, the Energy Act, the Gasoline Handling Act and the Operating Engineers Act.

I did not cover all of those things for other jurisdictions outside Canada, but when the committee knows exactly what it wants to look at, I can go into it in more detail.

Mr. Chairman: Are there any questions of Anne on the legislation? This, you will notice, is basically a summary of Ontario's legislation. I think at some point we are going to want to know if there is any legislation elsewhere that Ontario should be considering or that we might want to comment on. But as yet, I think this is a good beginning to tell us where we are at in Ontario.

Mr. McGuigan: Does anybody have the authority--I presume the inspectors--when they come on a scene of activity and they determine it is unsafe, to shut it down right then and there, or do they have to go through a court and get an order or whatever?

Ms. Anderson: I think they have to issue an order. I am not sure that they have to do it through a court, though.

Mr. Chairman: They can refuse to work.

Mr. Wildman: The worker can refuse to work.

Mr. Chairman: But I do not think they can shut the mine down.

Mr. McGuigan: Presuming the miners are working and an inspector comes along and sees something wrong, can he stop them?

Mr. Wildman: An inspector can, yes.

Ms. Anderson: Yes.

Mr. Wildman: And he can issue an order that it be changed.

Ms. Anderson: Stop the work and withdraw the workers from there.

Mr. Chairman: One of the issues swirling around out there that I suspect the unions will tell us about is whether or not the workers should have the right to shut it down if, in their sense, it is dangerous.

Mr. Wildman: The worker inspectors in Elliot Lake can do that. That is negotiated. That is part of the collective agreement between the company and the union.

Mr. McGuigan: I thought under the Occupational Health and Safety Act any worker can refuse unsafe work.

Mr. Chairman: We are making a distinction here between refusing to work and shutting a workplace down. I thought that is the line.

Mr. Wildman: And also a distinction between the worker himself who says, "I don't want to do this," and another worker or inspector who comes along and sees something and says, "We want this to stop."

Ms. Anderson: I think the inspector can order the employer, orally or in writing, to fix up the noncompliant act either straight away or within a period the inspector specifies.

Mr. McGuigan: I am told that in manufacturing we really did not get anywhere with quality control until the inspector had the power to stop that line. The production manager has to keep the line going at all costs, no matter what, to keep throwing the cars or refrigerators or whatever it is out

the other end. But when somebody has the authority to say, "Hey, you can't do that; you close it down right this minute," then they go and tmake the changes that have to be made to maintain their quality.

Mr. Chairman: That they can do--the inspector, not the worker.

Mr. Wildman: I would be interested if we could find out, with regard specifically to questions related to regulations, communication among workers, and particularly as it relates to the miner working alone, and lighting in other jurisdictions. I am specifically interested in Sweden and Finland.

Mr. Chairman: Lighting?

Mr. Wildman: Lighting, yes. Actually, I was in Kiruna and we did not have a chance to go underground. I would have liked to.

Mr. Chairman: That should be no problem.

Mrs. Marland: Could we add sound, noise, to that?

Mr. Wildman: Noise level, sure.

Mr. Chairman: Any other questions on the legislation? If not, then that completes our commitment for today's work. Tomorrow we have the Ministry of Mines with a brief presentation, followed by the Ministry of Labour, Mr. Pakalnis, who is director of the health and safety branch, and can answer a lot of questions.

Mr. Wiseman: I was wondering, just from what we have heard this afternoon, when we are travelling, Mr. Chairman, and perhaps the group that is looking after that, if we--and myself, as a layman--could maybe get into different types of mines and different types of structure, whether it is rock structure and this sort of thing, to see how it is done.

Mr. Chairman: I think that is a good suggestion. For example, there are different kinds of mining methods too. We should look at that. Just because I have never been there, I personally would like to see a salt mine, which would be in the Windsor area. Then there is the softer rock mine, like the gypsum mines that are at Caledonia and Ingersoll, and those kinds of mines. I do not think it would be appropriate simply to look at nickel mines, even though that is the big buck. I think we have to look at the others too.

Mr. Miller: I felt with the granite and so on that is one thing, but when you get into the soft ones, they probably have to take more precautions than they would with granite.

Mrs. Marland: Yes, the degree of risk and the requirement for preparation must vary a tremendous amount.

Mr. Wiseman: Would it help us if we knew what the biggest producing province is, next to us? Maybe our agenda does not allow us to do that, but perhaps we could have a look at a couple of their mines, maybe Noranda in Canada, so that we can compare.

Mr. Chairman: Let us do some thinking about that. I do not know myself.

Mr. Wiseman: I do not know either, but I just thought, if Quebec were the next largest, it would pay us, or--

Mr. McGuigan: We could take a plane to South Africa.

Mr. Chairman: But if you got hurt hurt there, you would be a statistic.

Mr. Wiseman: An act of God.

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Mrs. Marland: If it is technology that becomes the requirement for ensuring safety, I think our focus has to be on how we achieve the best technology to protect those workers and whether it is mandatory for companies to research what other companies with the same mineral are doing in other

parts of the world. Is a salt mine operator really looking to ensure the safety of his workers by knowing what the latest development is in a salt mine in another country? If we are dealing with medical research, we sure as heck have an exchange worldwide of the latest medical research in whatever the specific disease is.

I think in mine safety we should be looking to have a worldwide sharing of any improvements with regard to worker safety in the specific type of mining, if that is possible. I am sure that with the variance in the market for whatever is being mined, there are good times and bad times when companies can spend their own money on researching improvements to ensure the safety of the worker, through different techniques and different types of equipment. That must vary around the world. I do not know if it is happening now, but if it is not, would it not be tremendous if we could establish a world bank of information in different types of mining to enhance the safety of the worker/

Mr. Wildman: I was wondering, Mr. Chairman, in our visits--along the lines of what Douglas said--if we could look at some old mines and some new mines. I know we have a limited time to do this, but it might be useful to look at an older gold mine and compare it to, say, the Hemlo mines and see the differences in the way they have been constructed and the kinds of technologies they are using.

Mr. Chairman: OK. The Hemlo one in particular. I think there should be a visit to a gold mine at least. Time will probably be the restricting factor in that.

Mr. Wiseman: Could I just ask one more question? How long, when we are out, are you planning--a five-day week, a four-day week, a three-day week--

Mr. Chairman: I think the basis should be three, which allows members to do constituency work and legislative work as well. We traditionally meet on Tuesday, Wednesday and Thursday. When travel is involved, it sometimes means you have to go there on a Monday in order to be under way on Tuesday, that kind of thing. If that is agreeable to the committee, that is what we will do.

There are some communities where one day will not do it. In my opinion, for example, you cannot go to Sudbury and have a tour of the biggest mining operation in the world and see what is to be seen there and hear from the big players in one day. It is just not remotely possible. There will be some cases like that, not because I am from that area but because that is where the big players are.

Mr. Miller: I do not think you could go from the gypsum mines to the salt mines in one day, either.

Mr. Wiseman: We seem to be sitting, from what the schedule says, just two weeks and then back for three. Two weeks of that would be travel, and then a week to write the report. I just felt if we are going to get the travelling in we may have to go to four days of travel per week in those two weeks of travel, in order to get it in, to do what we want to do.

Mr. Chairman: It is also not a requirement that we write the report before April. As we get into it, if we see there is a lot more there than we anticipated, there is no requirement that we finish by April. We could finish it off in the summer months. I think we should make that decision as we go.

Mr. Wiseman: It is just that some of us want to plan our time ahead a little.

Mr. Chairman: Yes, I know. We hope to have the travel plans done very shortly. Are there no other comments? We are adjourned until tomorrow morning at 10.

The committee adjourned at 4:05 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

WEDNESDAY, JANUARY 20, 1988

Morning Sitting



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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Malczak, John, Research Analyst, Mineral Analysis

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From the Ministry of Labour:

Millard, Tim J., Assistant Deputy Minister, Occupational Health and Safety
Division

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, January 20, 1988

The committee met at 10:14 a.m. in committee room 1.

MINING SAFETY

Mr. Chairman: The committee will come to order. We will be discussing fatalities in Ontario mines. This morning we are going to hear from the Ministry of Mines and later on this morning and this afternoon from the Ministry of Labour.

To my left is Sterling Campbell, who is the parliamentary assistant to the Minister of Mines. I believe the first person we are going to hear from is Dennis Tieman, assistant deputy minister. I know it is an elevated position. Mr. Tieman is going to make the first presentation. Welcome to the committee. Mr. Tieman is a forester who somehow got underground.

Mr. Tieman: Thank you very much, Mr. Chairman and committee members. I am pleased to have this opportunity to lead off the presentations today on behalf of the Minister of Mines and the mines and minerals division of the Ministry of Northern Development and Mines. I have a very informal and fairly brief slide presentation which I will give to you, and I invite questions either during or after that presentation, because I may not have hit some of the points you may be interested in.

Before I start, I would like to introduce Dr. Gerhard Anders, manager of our mineral analysis statistics group. He and his group will be available to the committee not only today but at any time throughout the hearings if you want some research and data backup. His group produces annually a rather huge and very voluminous compilation of mineral and mining statistics in Ontario. As you can see, it is quite a busy document. I do not have copies for members of the committee--I am not sure you want that much detail--but that is the sort of detail he can bring to you if you find you need it at a later date or even later today.

Mr. Chairman: Perhaps at some point you could explain to members of the committee the map that is up here.

Mr. Tieman: I could start with that, if you like. We have prepared a map of the various kinds of mining activities. The dots all represent various types of activities. The map that those are laid on is a geological map of the province. You will notice the pink area is essentially the pre-Cambrian area of northern Ontario. It is the area where we find all of our metallic minerals. It is essentially hard-rock mining. The yellow dots represent the operating mines and they are all coded by number. I have left with the clerk and some others a listing so that if at some time in the future you want to locate a particular mine, you should be able to do so.

We are going to leave that map with you for whatever use you would like to make of it. I think it is quite up to date and it is a handy reference if you want to get into details. The yellow pins are the metallic mines. The red dots, which are scattered mostly through the north, are potential mines that

are now under development. You will notice that there is a substantial number, and I will talk a little bit about that during my slide presentation. They are at stages beyond straight exploration and they are deemed to be under development now. That does not mean they will all turn into mines, but they represent extensive and heavy investment in developing the ore bodies believed to be there.

When you come south of the French River--I am sorry. Mr. Wildman?

Mr. Wildman: I am looking at your list here. You have the numbers 17 to 20, the yellow dots on the green colour. I may be completely off in terms of geography, but that looks to me like it is almost Timmins, and yet--

Mr. Chairman: The green?

Mr. Wildman: Number 17. The yellow dots on the green colour.

Mr. Tieman: Yes, that is the Timmins-Kirkland Lake area.

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Mr. Wildman: Kremzar Gold Mines Ltd. is near Dubreuilville and Wawa. Why is it over there?

Mr. Tieman: Good question. What number is it?

Mr. Wildman: Citadel Gold Mines Inc. is 18, and that is at Wawa; yet you have 17 to 20 over there.

Mr. Tieman: I have to ask Dr. Anders.

Mr. Malczak: The red dots are for the Citadel--

Mr. Chairman: Excuse me. Would you come up to the mike? Hansard cannot pick you up.

Mr. Tieman: This is John Malczak, who is a member of the mineral analysis and statistics branch.

Mr. Wildman: I see you have a red dot numbered 17 as well.

Mr. Malczak: That is right. It is not currently a mine.

Mr. Wildman: So the yellow are the operating mines and the red are the development projects.

Mr. Tieman: As we come south, although you will see scattered industrial mineral sites in the north, you find the preponderance of industrial minerals, everything from salt to talc to building stone quarries and that sort of thing, but not gravel pits. We could not get the aggregates on the map, so they are not included, but all of the other industrial mineral operations are on there. They are green, I think--I am having trouble seeing the colour from here--kind of a green colour.

If you notice, in the pink area there are green areas scattered all through northern Ontario. Those are the green stone belts and those are the

areas where you typically find metallic minerals. That is the basic geological map of the province that our Ontario geological survey produces on a regular basis.

Mr. Chairman: Virtually all of this up here is gold?

Mr. Tieman: Yes. Certainly of the new projects that are under development, I would say that well over 90 per cent are gold, and a few platinum developments are being worked. I am not sure if there are any base metals in any of those, so it is preponderantly gold in the north. There are a couple of industrial mineral developments south of the French River that are not marked, but we are not sure whether they have advanced to a stage where we should classify them as development projects yet. There is some activity south of the French River, but not nearly as extensive.

Mr. Wiseman: With regard to the green dots around the bottom, what did you say they were mining there?

Mr. Tieman: Pardon?

Mr. Wildman: The southern part of Ontario, the green dots.

Mr. Wiseman: What would they be mining there?

Mr. Tieman: Salt in the Goderich area and talc and various kinds of building stone would be the most common. There is silica, which is a fancy kind of sand, gypsum, lime, those sorts of things.

Mr. McGuigan: What is in the Algonquin area?

Mr. Tieman: There are no mines in Algonquin Park. What was the question, Mr. McGuigan?

Mr. McGuigan: There is a line of them just where the colour changes.

Mr. Tieman: That is essentially the lower end of the pre-Cambrian shield. Then you get into what are called the soft rocks of the province. The pre-Cambrian shield runs right over to Kingston and then straight up across the Ottawa Valley and comes out around Renfrew, I think.

I guess you could say that is the farm land of Ontario as well, once you come below the pre-Cambrian shield. The underlying rocks are quite distinctly different and much softer, as I am sure you will hear later on when talking to people from the Ministry of Labour.

The map will be here, and you may want to refer to it again. If there are questions after members have had a chance to look at any of the specific locations, as I said, Dr. Anders or one of his staff will be available to the committee and will be happy to help with any information you would like.

Are there any other questions on the map? If not, I will just proceed with my informal, short slide talk. As I said, I would be quite happy if someone would like to ask questions.

Ms. Naomi Nemeth is the communications co-ordinator for mines and minerals in our division, and she is going to put up the slides for me. Naomi, would you like to put the first one up please.

What we have done here is to attempt to identify the three sectors in mining. Very often when people are talking about mining, they talk about one or another of these sectors. We generally include all three sectors and certainly our interest as a ministry embraces all three sectors, although we have a predominant interest in exploration and development. Quite often that part, that critical front end of the mining industry, is not included when you get statistics, because there is no production out of that. There is simply the development part of the industry.

It is also an area where it is very hard to get details on the numbers of people who are employed in exploration and development. By nature, it is a fairly secretive kind of exercise and it is also quite mobile, volatile and, right now, very busy. Our estimates are that there are at least 10,000 people employed primarily in the north, involved in things like claim staking, line cutting, drilling, stripping and even putting down exploratory shafts to bring up bulk samples in order to determine whether they have a viable economic deposit.

We can talk a little bit more about that. Just while I am on exploration and development, Naomi, I wonder if you would put up the two slides that give a little trend line about the levels of exploration and development, and then we will come back to that slide.

Mr. Chairman: Before you leave that, though--

Mr. Tieman: I will come back to that slide. I was just talking about the first category. Just give me 1a or 1b or some number like that.

One of the measures of prospecting and mineral exploration and development is the claims that are in good standing. It is our division, through our mining recorder system in the province, where we register and keep track of claims in good standing. That means that those claims are being actively worked. You will see that the number on the books since 1978 through to 1986 has gone up dramatically in the past couple of years and it is still at a very high level.

Mr. Wildman: Is that related to flow-through shares?

Mr. Tieman: It is driven by a number of things. Flow-through shares, the federal tax incentive program that everybody is familiar with, I think, has certainly had a very pronounced influence on the level of activity in northern Ontario. It is also driven by the high price of gold. That is why most of the prospects we are looking at are essentially gold deposits. The price of gold held up through the decline in prices for base metals and certainly has been a major contributing factor in terms of the attention, activity and investment going into exploration.

A lot of people are speculating on what will happen after the tax reform in Ottawa. I guess there are as many forecasts as there are people you ask in terms of what the likely effect will be. Again, a lot of the future effect will depend on the price of metals, particularly the precious metals. If the international prices stay up, we should continue to have some reasonable degree of activity. We do not see it dropping down to the 1978 levels that you see on that slide.

Mr. Chairman: I doubt if some members of the committee would understand the flow-through shares concept. I wonder if you could just briefly explain that.

Mr. Tieman: It is a means of raising capital through private investors. I am not a tax expert and I have some difficulty in explaining it. Perhaps I should ask Dr. Anders to give you little description on that. We do not have any of our tax people here with us, but it is a means of raising funds from people who can shelter their investments. The money goes straight through to the developers. I do not really understand all the mechanics of it. I certainly understand the impact and effect of it. I am not sure I can add anything to that. If you really want to get into the details of that, I should get somebody to come over.

Mr. Chairman: No. We are looking for a layman's explanation.

Mr. Tieman: It is almost impossible. I am trying to develop a layman's explanation, without an awful lot of success, because it is not just the mechanism of flow-through. It has to do with the depletion allowance for exploration expenditures that is allowed in the federal tax system. Right now, there is an extra depletion allowance that is 133 per cent of cost. The tax reform proposal will bring that down to 100 per cent, which is the normal and traditional allowance that is provided for resource companies.

Mr. Wildman: For every \$100 you spend, you are credited with \$133.

Mr. Tieman: That is correct. So there is a tax advantage for those people who put money in.

Mr. Chairman: It is an offer you can hardly refuse.

Mr. Tieman: Yes. There are other aspects. Prospectors are also driven by capital gains and there are changes in the treatment of capital gains that are causing an equal concern within the prospecting community. Again, I am not a tax expert, so I am not sure how those capital gains apply, but they are certainly causing very considerable concern.

Mr. Campbell: I think the capital gains situation, if you are aware of the normal capital gains situation that is happening or is being proposed, is that there is a lifetime earning of \$500,000 that would be on a sliding scale up to 1990, I believe.

Apparently, what has happened is that they have frozen it at \$100,000, which was the first step in the thing. What potentially can kill the investment is the fact that people have made five-year forecasts or plans in investment, mining and other areas and are hit now with this \$100,000 cap which has apparently been put on.

I understand that it may be under review by the federal tax people, but the concern with the flow-through funding being chopped back from 133 per cent to 100 per cent, and the fact that you are capped at \$100,000 basically means you have a double decline or a double effect on mining exploration investment, which is a very highly volatile and very difficult process because of the very speculative nature of mining or the exploration of developing a mine. It is very costly. When you start moving the things in, the drilling equipment and everything else, to get it all together, it is very costly. It potentially has a very detrimental effect on investment in mining in northern Ontario, if that helps the committee.

Mr. Tieman: Turning to the next slide, level of investment in exploration and development, again, these are trend lines between 1978 and 1986.

Mr. Miller: When did the tax change take place? Has it taken place now? Is that in place now?

Mr. Tieman: It was in 1983. I do not think it really started to have effects until about 1984, but it was known in 1983 that it was coming into place.

Mr. Miller: Is it changing back again now?

Mr. Tieman: It is changing back over the next two years. It is coming down to 100 per cent in two steps.

Mr. Campbell: To explore that a little further, Mr. Chairman, if you do not mind, the problem is that there is a delay mechanism: by the time you make your first decision, "We are going to invest in the mine," and get everybody out in the field, get your stakes and all of that done, it is a lengthy process in time. People are getting caught in the middle of having started all of this going and are now having to pull back and stop because they are not sure of what the tax proposals are.

Mr. Tieman: I think Mr. Campbell makes an important point. The minimum time to develop a mine is five years. From the time it is staked and drilled to the point of actually having production from that property, quite frequently it is closer to 10 years. There is a long time span in developing a mine. To change the tax or the financing rules in midstream is causing, as Mr. Campbell said, a considerable concern.

You can see the magnitude of expenditures, again almost all in northern Ontario; not entirely, but I would hazard a guess that at least 90-plus per cent of the \$300 million-plus are expenditures being incurred in the north.

To go back to the first slide, Naomi, I think the chairman had some questions. I had not talked about the other two sectors.

Mr. Chairman: I was concerned about the first sector.

Mr. Tieman: OK. I will stay with that. The number of prospectors who are licensed at this time is 4,170, which is a higher number than we have had in many years.

Juniors are the junior companies; that is, any mining company which does not yet have an operating mine is deemed to be a junior. That is the group it is hard to keep statistics on. We try to get information through questionnaires and other means about the activity of the juniors, but it is very difficult. As you can see, we do not have a precise number as to how many junior mining companies are active in Ontario on any given day. They come and go at a fairly rapid rate.

Mr. Chairman: When those prospectors' licences, or whatever they are called, are issued, how long are they in effect?

Mr. Tieman: A prospector's licence has to be renewed each year.

Mr. Chairman: When you say there are 4,170 licences issued, does that mean in 1987?

Mr. Tieman: That is in good standing for 1987.

Mr. Chairman: If they do not renew them, can someone else go in and launch a claim? Of course, that is different. Claims are a different thing than licences.

Mr. Tieman: Yes. This is just claim staking, if you will.

Normally when you see a lot of data about mining, it almost always includes milling: mining being the extractive part of it and milling essentially being grinding it up into a form whereby it can be processed into minerals. For gold and precious metals, the production comes out of the milling process, so there is no further smelting. There is a refining process, but the basic production of precious metals comes out at the milling stage.

The base metals all go to a smelting and refining stage, which is the third category. That is the smokestack part of the industry, if you will, where we have 10 companies now with 10 refineries and smelters. Copper, zinc, nickel and iron ore are the four main commodities smelted in Ontario. You will see that, again, there is a large number of people who work within those facilities, estimated in Ontario at 50,000 at this point.

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Mr. Chairman: Does that really mean 50,000 in smelting, in refining? It cannot be, can it?

Mr. Tieman: That is what the numbers tell me. Steel is included in this. If you include Hamilton and Sault Ste. Marie, you will find that those numbers are pretty close to that.

Mr. Chairman: Just think how many there would be if Falconbridge had a refinery. I am just teasing, Mr. Tieman.

Mr. Tieman: I know. I suspect the committee will have a chance to discuss that at another date.

Refining is not as labour-intensive as the smelting part of the process but you are quite right, there are jobs involved.

Mr. Miller: Has there been any progress on cleaning up the dust?

Mr. Tieman: We monitor that very carefully. Obviously, the Ministry of the Environment monitors the situation much more closely than we do in terms of having measuring equipment in the area. From the reports we have, there are substantial improvements that have been made over the last three years. All of the companies have had targets set in terms of reducing the amount of emissions by, I think, the mid 1990s, and they are all working hard to develop the technology and put the capital investment in that will reduce more the level of sulphur going out the stack. That is the main problem we have in Ontario.

I think the results are obvious even now in places like Sudbury. Mr. Laughren and Mr. Campbell may want to correct me, but I think it is quite

clear to the naked eye that there are improvements in terms of the environment, the effect on vegetation and so on in the Sudbury basin.

Is there anything else before I move on?

Next, number 2, I have picked a few selected statistics out of this book and I will be leaving with you in a kit, a very small handbook of sort of key statistics, but just to give you a sense of the relativity of Ontario as a mining province, it is the number one province in all mining categories.

The percentage of national production is in the neighbourhood of 35 per cent in Ontario and we have the largest number of employees. The next closest province has only half the production that we have and that is British Columbia, followed closely by Quebec. Ontario produces about as much as both of those provinces, which are number 2 and number 3 in the ranking.

If you take Ontario just as if it were--I should be careful there; I was going to say "as if it were a country." We are the third-largest nickel producer in the world, the fourth-largest producer of cobalt, the fourth-largest producer of zinc, the seventh-largest producer of gold and the seventh-largest producer of silver, so Ontario is a very significant player in the international scene.

Mr. Miller: Where does gypsum fit into that? Have you any statistics on that?

Mr. Tieman: You could probably find that in the handbook I am going to give you but I do not have it. Perhaps Dr. Anders knows.

Dr. Anders: On a world scale, Ontario would not rank very highly as an industrial minerals producer. It is quite farther on down the line. We can get the figures for you.

Mr. Miller: What about Canada?

Dr. Anders: Canada itself is also not too significant. Let me look for it now.

Mr. Chairman: Perhaps you can go ahead, Mr. Wiseman.

Mr. Wiseman: Yesterday I was wondering which other province was the largest producer of minerals and you mentioned, I believe, that British Columbia is next to us, followed by Quebec.

Mr. Tieman: That is right.

Mr. Wiseman: I thought it might be the reverse, BC and then Quebec.

Mr. Tieman: When I looked at the statistics, BC was number 3 until two years ago. They have moved into second position as a province in terms of the value of production. I think their percentage, in terms of value of the materials produced, is 17 per cent of the national production in BC. Quebec produces about 15 per cent of the total national production. Ontario produces 35 per cent and then the provinces go on down from there. The current listing is in a little booklet I will be giving to you in the kit later on, if you want to get all the positions of the provinces.

I have a slide showing the communities that are mainly impacted by mining in Ontario. I think most of you will be familiar with the main communities that are essentially mining.

I guess there are probably two on there that you might quibble with and they are Picton and Hamilton. Hamilton, obviously, as a steel town, has a preponderant interest in the production of iron ore, but I am not sure you would call it a mining community per se.

Goderich, of course, is a significant producer of salt, and mining is a very big part. Even though you do not necessarily think of Goderich as a mining community, it is a major producer.

I think the others are fairly well known in traditional mining camps, as they say, in northern Ontario.

Mr. Miller: Caledonia? I do not see it on there.

Mr. Tieman: Caledonia? Should it be?

Mr. Chairman: Caledonia is known as the gypsum king.

Mr. Miller: That is what I have been fishing around for. I think it is one of the largest producers in Canada, and I wondered how it rated or ranked?

Dr. Anders: It is second in Canada, after Nova Scotia.

Mr. Chairman: Are there any gypsum mines other than at Caledonia and Hagersville?

Mr. Tieman: We are going to find out.

Mr. Miller: It is the major industry in Caledonia. There are two, Canadian Gypsum and Domtar, which is the major supplier in Ontario. It is moving a lot of stuff to the United States. It is a big industry.

Mr. Tieman: They are the two big producers in Canada.

Mr. Miller: You bet they are. Black Transport runs about 100 units, McBurney Transport, Laidlaw Transport, they are all big operators and very modern plants, and I just do not see it on the map, that is all. I think when you come from northern Ontario, and we are from southern Ontario--

Mr. Campbell: Mr. Miller, we will do something about the map.

Mr. Chairman: I want all the northern members to stop crying immediately.

Mr. Campbell: We have arrived, folks.

Mr. Miller: I do not think things are too bad up there, given the investment rates. Floyd has a lot of money put into it, I am sure.

Mr. Tieman: One of the reasons we have perhaps missed that is that I do not think that community is a member of the Association of Mining Municipalities of Ontario.

Mr. Miller: Kevin, there are the mines down there.

Mr. Tieman: No, the communities. There is an association of communities that are mining communities. Perhaps that association should canvas that municipality.

Mr. Miller: We will press our luck.

Mr. McGuigan: Get in on some of the big bucks.

Mr. Tieman: Just to shift a little bit, I have a slide of a little bit of history about mining--I guess the mining jurisdiction--in Ontario. The first Mining Act was brought in in 1906 and was administered under what was then the Department of Lands and Mines. The Mining Act we have now is essentially the same act that was passed in 1906. There have been a series of amendments over the years, but it is fundamentally still the 1906 act. Particularly, the staking and the prospecting rules and regulations are essentially the same.

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Mr. Chairman: If it is any consolation, it has been referred to this committee for review.

Mr. Tieman: Yes, I am aware of that and you will be hearing from me again, I am sure, on the legislation.

Almost everybody in the industry, certainly in our department, has felt there is a need to have a very serious look at that legislation. That, I believe, has been committed and it has been indicated that it will be coming to your committee, which is why I thought I would bring you a little bit of history here as well.

The Department of Mines, with the first Minister of Mines, was established in 1920 as a separate portfolio. That went along for quite a while, until 1970, when the Mines portfolio was combined with the Department of Northern Affairs. Mines and Northern Affairs was strapped together with the Department of Lands and Forests into the Ministry of Natural Resources in 1972.

A little bit of history here will be the focus of your future discussion, I am sure. The Ham commission, which I think was commissioned about 1974 and spent several years reviewing the whole issue of mining health and safety, recommended that responsibilities be transferred from the ministry responsible for mines to the ministry responsible for labour.

In 1976, part IX of the Mining Act was essentially removed from the Mining Act and placed within the Occupational Health and Safety Act, administered by the Ministry of Labour. At the same time, the mines engineering branch, which had been located in the Ministry of Natural Resources, was transferred to the Ministry of Labour. I think that was the forerunner of the mining health and safety branch. Those people are here to talk to you after I get finished giving you the overview.

The Ministry of Northern Development and Mines was established in 1985, and we now have a separate minister, but one ministry, as of 1987. So there is now once again a Minister of Mines in Ontario. We function as a division of mines and minerals within the Ministry of Northern Development and Mines.

Mr. Wiseman: Perhaps the next group of people can answer this, but yesterday and today we saw the junior people who stake claims. They are called juniors, I guess, because they do not have an active mine at the present time.

Mr. Tieman: Correct.

Mr. Wiseman: I think you mentioned that some of them sink a shaft to see how much ore there is at a certain level or whatever, or how much is down there. Those people seem to be the contractors who run a high risk of injury. When they give out a licence for a mine, is that prospector, or the prospector who hires people to do this, asked to follow certain guidelines as far as safety is concerned?

At what point in time does the ministry, or occupational health and safety or the next branch that will be talking to us, concern itself with that? Are they allowed just to go in? If they are juniors, maybe they do not know as much about doing this, or maybe they do, as a person who is in the other 75 per cent. I think there are about 4,000 in one category and about 1,200 in the other. I just wonder if that is where we are finding a lot of those upfront injuries in sinking those shafts early on in the operation.

Mr. Chairman: Perhaps you can answer a part of the question.

Mr. Tieman: I am sure the Ministry of Labour will be able to answer the question much better than I can. As the Ministry of Mines, our responsibility in a regulatory sense ends when we issue a lease, which is essentially the right to mine a property.

The juniors normally bring in a senior company in a partnership arrangement. They almost always bring in professional contracting companies in the business of doing shaft sinking and that sort of thing. All of those activities are totally covered by the Occupational Health and Safety Act legislation and regulations, administered by my colleagues who are here today. They can give you a little better sense of the regulatory side of that. We do not have that direct involvement at that stage with the companies.

Mr. Wiseman: We just heard yesterday in bringing us up to date, that that area is a very high risk area, that there are a lot of accidents in beginning shafts or whatever. I just wondered what supervision they have.

Mr. Chairman: Mr. Wiseman has asked a good question. What is the responsibility or obligation of the Ministry of Mines, which authorizes the exploration and development? What kind of communication is there between it and the Ministry of Labour's health and safety branch when an operator goes in with perhaps very little prior knowledge of health and safety regulations in the province?

Mr. Tieman: We have no permitting responsibilities. We have no permitting authority or responsibility under the Mining Act. A new exploration project requires permits from the Ministry of Natural Resources, from the Ministry of the Environment and, I believe, from the Ministry of Labour.

We are in close touch. We have just set up a new organization, our own field organization, dealing specifically with mines and with the mining community. Our people in the field are in daily touch with those three ministries in particular, but the permits that are required to proceed under various provincial statutes are issued by ministries other than ours. That has been the pattern since, I would say, 1970 at least.

Mr. Chairman: I will ask a question that has been bothering me for some time, and I am glad Mr. Wiseman raised it. Is there any condition attached to the issuing of a permit to them, that they will be allowed the privilege to continue to explore a crown resource if they adhere to all the health and safety regulations of the province?

Mr. Tieman: There are no specific conditions that relate to compliance with other provincial legislation. According to the lawyers, that is a given. Essentially, it would be redundant to list--although it would be informational, I suppose--all of the permits and regulations they are required to comply with. In fact, we have been looking at doing that to facilitate the companies acquiring permits in an orderly manner, because there has been concern expressed by the industry that with the various number of permits, it is hard to determine in which sequence you acquire permits; whether you start with the Ministry of Natural Resources and then go to the Ministry of the Environment and then to the Ministry of Labour, who have field offices, as you will hear, scattered throughout the province.

The answer to your question is no, that is not put on as a condition of the lease. As Mr. Millard is here and is responsible for this whole area in the Ministry of Labour, perhaps you would like him to add a little to my answer, which kind of left off where he takes over.

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Mr. Millard: I am Tim Millard, the assistant deputy minister for occupational health and safety in the Ministry of Labour. I have with me Vic Pakalnis, who is our director of the mining health and safety branch. We were listening very carefully, of course, to the discussion about flow-through shares, the expansion and exploration side of the industry, which has quite rightly been identified as a higher-risk type of operation, first by nature of the type of activity that is carried out and also by nature, as has been pointed out, of the junior, less experienced people coming into the business.

We have been acutely aware of that and we have been working with our good friends at the Ministry of Mines to make sure we have an early identification system for where these may be coming up. In fact, a good deal of priority attention has been paid to trying to get our inspectors and our force in touch with these people at an early stage and do some inspections at an early stage.

If you would like, during the time when we will be making our more formal presentation, I can have Vic Pakalnis cover that in some detail to try to answer some of the very important questions that have been put here.

Mr. Wildman: I would like to try to get some idea of the sequence. The prospector goes out and makes a claim and then I suppose he has to go and interest some investors in the potential of the area in order to get the financing available to him to make it possible for him to carry out the exploration. I guess that means they usually form some kind of company, a junior company which would then sell shares and get enough capital that they could develop or at least do some of the exploratory shafts.

When they determine that they have a developable deposit, what happens then? Would they end up making some kind of an agreement with a senior company for the development of the mine? Then they would usually hire a contractor, somebody like MacIsaac, who makes a business of going in and sinking shafts and building a mine, basically.

It is at that stage that our information is that there are a lot of accidents. The number of accidents among mining contractors as compared to operating mines is somewhat higher. It is my understanding that the Ministry of Labour--and perhaps we had better leave this until after--does not issue permits to the contractors, its job is simply to be aware of what is going on and to go in and carry out inspections to determine whether or not the regulations under the Occupational Health and Safety Act are being adhered to.

After the contractor has completed his work and the mine goes into operation, again the Ministry of Labour's responsibility is to carry out inspections and, if there were something like a work refusal or something, to carry out an investigation and determine whether or not it was a legitimate work refusal and, if so, to issue orders to ensure that the operation was changed or carried out safely.

Mr. Tieman: I am not sure if that is a question, Mr. Wildman, but your sequence is quite correct the way you have explained it. There are a couple of little steps in there, but that is fundamentally the process.

Mr. Wiseman: Do you have a close liaison with the Ministry of Labour on occupational health and safety?

Mr. Tieman: Yes, almost daily.

Mr. Wiseman: Do you have some concerns about prospectors of mines who seem to get into more accidents than others? When you are issuing another licence for a mine, do you ever put any conditions along with it--I think the chairman asked this--to say, "In the last two mines you've had a certain percentage of industrial accidents or mining accidents and we're watching you closely; at some point in time maybe you've cut some corners," or this sort of thing?

It might help us to find out where the bulk of these major accidents are occurring. Is it with one or two firms or is it spread out throughout the industry? If it is in a few firms, do you, between you and your sister ministry, get a little heavy on them?

Mr. Tieman: That data I would have to get, and we do get, from the Ministry of Labour. We do not have a direct relationship, because there is no licence to mine. Once you get a lease to the property, which we issue, that carries with it under the Mining Act the right to mine, which is stated in the Mining Act and which is the basis for people spending millions of dollars of investment in discovering the ore body. It is fundamental that there be a right to mine and find something, if you are going to spend that kind of money.

So the Mining Act, as it is written now, carries with it the right to mine. When we issue a lease, which is title to the mineral deposit, as it is defined on the surface, there are some standard conditions which go on there that have fundamentally to do with the concerns of the Ministry of Natural Resources in terms of land use practice. There is not a permit per se that we issue, and our involvement--

Mr. Chairman: Does that answer your question a little bit, that--

Mr. Tieman: I know what you are getting at, and the answer is that we are aware of it through our field staff, but we do not have the same kind of direct relationship with the development once it goes into the development stage, other than tracking and keeping statistical data and trying to keep

everybody informed. It is at the end of the stage, where they like to keep things pretty mysterious as to what they are doing, where and when, and they are very hard to keep track of.

We will be looking at some possible changes in legislation in the future that would suggest some onus for an earlier reporting or notification system that would alert all of us to the stage they are at and the kind of activity they are engaged in. We attempt to keep track of them on an informal basis through our field staff, but I have to tell you, it is quite difficult. I am sure the Ministry of Labour does keep statistics and does keep track of the contractors in particular. We have almost no--

Mr. Wildman: So would the Workers' Compensation Board.

Mr. Tieman: Absolutely. But we have no direct relationship with any of the contracting companies. We obviously know the people and know their reputations.

Mr. Wiseman: We have a record through those two departments, but where do we put the weight on a firm to clean up its act? It would seem to me as a layperson that it would be at the front end, where they are getting new leases and this sort of thing.

Mr. Tieman: The mining health and safety branch will be able to give some more information on that, and you will get into that, I am sure, in more depth with them. There is no point in me getting the information from there and bringing it to you.

Mr. Chairman: I think what is making members of the committee nervous, or concerned at least, is that some of us remember back 15 years ago when the Workmen's Compensation Board was piling up statistics on uranium miners, and the Ministry of Mines, I guess it was then, was not getting that information. Those miners are paying the price for that now.

There is a real concern that if the Ministry of Labour has all this data and they are not being used in terms of laying rules down for the developers, what is the purpose?

Mr. Tieman: I understand your concern. I was not there then, but I think the uranium situation was complicated by federal-provincial jurisdictional issues that continue to float around the subject of uranium. I was not there so I cannot tell you exactly, but it keeps coming up still. Again, it was at the time when the decision was made to move that basic responsibility to the Ministry of Labour.

That has become the pattern across Canada, as a matter of fact. Indeed, it set the pattern, and I believe that all provinces now have moved the mine health and safety concerns about the workers into their occupational health and safety area. That pattern, that came out of Ontario, is now common right across the country, so the relationship of the mines department to the operating group is somewhat more informal. Obviously our main contact has to do with production activities and a number of other things that we track them on, and it becomes then the Ministry of Labour that deals with the employees-in-the-workplace situation.

The fact that all the other provinces have proceeded in that direction suggests that is an appropriate way to organize the responsibilities in a kind of sequential way, whereas we are in at the front end and then we are probably

going to be in at the back end in terms of abandoned mines. Up until the ministry was separated, it was not clear which ministry had responsibility for the abandoned mine situation, but as things develop, it looks as if we are front end and back end and the Ministry of Labour is the primary contact in the middle during the operating years, with the primary focus on workplace safety.

If I could put up a slide, I may risk suggesting we do not have an interest or a responsibility. We do have a profound interest, not only in the productivity of the mines but obviously in all the safety factors and concerns.

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Mr. Chairman: Mr. Wildman had a question before you leave that slide.

Mr. Wildman: This may relate to it, so I will leave it for a minute.

Mr. Tieman: As a new ministry and as a new group with separate and specific responsibility for mines and minerals, we have taken a very considerable interest in research and we have in fact been providing funding, either through the universities or through the Ministry of Labour, to carry out a number of research projects that are fundamentally safety oriented, although they also have operational efficiency implications. So this, in terms of our recent involvement, has been very much on the research end.

I think it is very important that the committee give some very careful consideration to the need for research, because it seems to us quite obvious, with the recent rash of fatalities, that there are some things we still do not know and understand, primarily about ground control, rock mechanics and some of the unknowns that still seem to be part of the equation. I am sure you will be exploring that in much more detail, but it is an area that we feel needs much more attention, not only in Ontario but across the country. We have made presentations and proposals to various federal-provincial groups and there should in fact be a much more substantive and collaborative effort among the parties; that is, the federal government, the provincial government and the industry itself.

The rockburst research project is a major project, a three-way, cost-shared program. It is \$4 million and something over five years, and it is being supported one third by the industry, one third by the federal Department of Energy, Mines and Resources and one third by our ministry. The provincial share that we provide for is administered through the Ministry of Labour in the mining health and safety branch, again because it has the mining engineering expertise that we do not have.

I think it is a model for future endeavour. It is the first time something of this nature has been organized around a major research project, and I think it is something you may want to look into at one of your future meetings. You may want to talk to some of the people from the federal jurisdictions as well.

We have also funded chairs at both Queen's University and Laurentian University. They are primarily focused on the issues that we believe to have a profound effect on mine safety. The one chair has been filled, at Laurentian, and Queen's will be announcing the holder of the chair. It will be a person who is world-renowned for his knowledge and expertise in mine design. I believe that will be announced shortly.

There are some smaller projects that we have supported through a new organization known as the mining research directorate, which you will hear about later, I am sure. It was one of the responses of the industry following the most recent Stevenson report on mining health and safety. The Ontario companies have come together in a co-operative research organization in which they are going to work co-operatively and share information, funding and expertise on common problems.

I have been appointed a member of that board to represent provincial interests, along with a federal representative and eight private sector members from the Ontario mining industry. It is just in its first year and it is getting its act together, but I believe it will also form the nucleus of a more co-ordinated and concerted research effort into areas that affect mining safety.

I just mention that in terms of our interest and involvement, which is not quite as passive as I may have implied earlier. Others say the success of mining fundamentally depends on the safety of the workplace, and I understand that as being of major concern.

Mr. Wiseman: It kind of jumps around the four areas, but you mention that some of the people have already been chosen to sit on the research--

Mr. Tieman: To hold a research chair.

Mr. Wiseman: Does that apply to 3 and 4?

Mr. Tieman: No. Those are not chairs. Those are small research projects, initial projects sponsored by the mining research directorate, where three companies got together and decided on a specific project they would undertake. We provided a small share of that financing. We require that there be at least two or more companies involved in a project. We review all of these, obviously with the Ministry of Labour, to get its advice and input. Those are not large projects; they are just some of the initial kinds of projects. The mining research directorate is bringing together partner companies which have a common interest in a specific problem that is basically safety-oriented.

Mr. Wiseman: We heard yesterday about lighting maybe being a problem for injuries. I found it interesting that we are just now looking at backfilling of mines; yet down my way, with quarries and so on, we set aside a certain amount of money for restoring a quarry people have walked away from. If a company walks away from a mine after a while, I would have thought as a layperson that, for the safety of the people in the community, some thought would have been given to backfilling or whatever to make that ground safer for the people who are living above it or getting into it by mistake or whatever.

You hear that in California they are backfilling a lot of places where they are taking out gas or oil or whatever; so they do not get these earth tremors or fewer of them.

At the present, are we not doing anything like that with our mines? Is that not part of the agreement, going back to the agreement again with mines, that when you get a permit, you will leave the ground in a safe condition and outline what those safe conditions are?

Mr. Tieman: You touched on two issues. The backfill project we are talking about here--again, you will hear much more from the Ministry of Labour--is in operating mines, where it is important to develop new materials to more appropriately seal up some of the areas which have been mined out but become problem areas because of the stress factors underground. You have essentially to fill in behind you with much better material than we have traditionally used. We are trying to find new kinds of cement, instead of just tailings and other things, to get a more solid backfill, which, again, is oriented to developing a safer workplace down there by more appropriate methods of backfill. Those are in operating mines.

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The issue you raised has to do with abandoned mines where there are no operations and, in a sense, there are no worker safety issues. There are many public hazards and public safety issues. That is an area that is now being addressed by our division through an interministerial committee called the mine hazards interministerial committee. I happen to chair that and the ministries of Labour, Environment, Municipal Affairs and Natural Resources are on that.

We are developing a range of proposals that would begin to address some of the issues of abandoned mines. In that sense, your question is quite correct that there is quite a large area to be addressed there. Typically, mines fill up with water after they are abandoned and that in itself creates a problem.

Mr. Wiseman: I have not been down in a mine, so I do not doubt that some of the questions might seem pretty junior ones.

You mentioned that we are looking at a different type of cement or something that might be stronger than the tailings and that sort of thing, but at the present time is it compulsory that an active mine has to backfill as it goes along? Is that part of the agreement?

Mr. Tieman: I cannot answer that. Again, I would have to ask the Ministry of Labour what our compulsory backfill requirements are. I do not know what those are within an operating mine.

Mr. Campbell: The answer is no.

Mr. Wiseman: Some others have questions, but does the group you have put in for research and to fill one or two of the chairs have a deadline to meet? Is this an ongoing thing? Do you expect a preliminary report that could be acted upon two years down the way or a year down the way to give them something to work towards, or is it just open-ended?

Mr. Tieman: No, none of the projects is open-ended. Each of them has a particular reporting date. The major project, the rockburst research project, is, I believe, a five-year program. There is a senior steering committee on which company and public officials meet, I believe on a quarterly basis. They issue an annual report of progress, and I am sure we could get you copies of the reports for the last two years on that major one.

The others are much smaller. The mine lighting one was more an analytical review of the problem, not a full-fledged project to solve mine lighting problems. It flowed out of concern that was expressed throughout the

industry in the last few years about some of the accidents that had seemed to be attributable to less-than-good lighting conditions. Having good lighting is a problem in mining.

Mr. Wiseman: Would it be safe to say that the four areas you are researching have been highlighted by your sister ministries, Labour and--

Mr. Tieman: Yes, particularly the Ministry of Labour.

Mr. Wiseman: I was thinking of the Workers' Compensation Board as well as occupational health and safety and yourselves, and this is why you have hit on these four areas?

Mr. Tieman: Yes.

Mr. Campbell: Could I just say something? I think it helps to answer the question on research.

There are probably two or three aspects that are dealing with, first of all, a world body of knowledge and research which not only deals with some of these areas but also some of the other things that impact on mining. For example, I think the gentleman at Laurentian has mining experience in other parts of the world and is a world-renowned expert in this area. In the area of lighting, it is also trying to access a world body of knowledge in that.

Because of the shared jurisdiction between the federal and provincial governments on things like research and development, those kinds of things generally in the mining industry have to be accessed too by these groups that are dealing with it.

I did not want our ministry to leave the impression that it was just us doing it sort of in isolation, because part of your question was about the ongoing research. I think this research has been ongoing for a number of years around the world. We have had a bit of play in it. Queen's University has been probably a world-class school of mining for quite a number of years.

I think that when you access the body of information that is available and then apply it to northern Ontario, that gives you a fair understanding of the way the research fits into the national, provincial and worldwide body of knowledge that we have in the area. It is not as if we are starting from the beginning, but I think we recognize that there are a number of issues in health and safety or in the mining industry that have to be researched because they do lead to or are contributing causes to some of the mine safety problems that we have, if that is a fair answer to you.

Mr. Wiseman: One of my thoughts on that was that when you see all these dots over here and you see how many prospective mines there are and you know how much ore they must be taking out underneath there, and with the rockbursts and tremors or whatever you want to call them, if we do not give them some direction that we want an interim report that we can start to act on in a couple of years, then we may not get anything for five, and we may have a lot of serious problems in five years, more serious than they are today.

Mr. Campbell: As Mr. Tieman pointed out--I do not mean to interrupt--there are two issues that we dealing with. The number one issue is dealing with something like California, which is naturally filling in with

other material. In oil and gas, it is a different geological formation and therefore it does not impact the same way.

I sense that you may be putting earthquakes and major earth tremors together with the lack of backfilling in mines. If you looked at the geology of that area, it would probably be very freestanding and safe from that point of view. It is not going to cave in at certain areas. There are exceptions in northern Ontario, as you probably are well aware, but basically speaking, the people on the surface are safe from what goes on below.

There are other kinds of things, like mine hazards, that are being dealt with by Mr. Tieman's committee. I think, though, that when these mines do fill up, they tend to fill up with water more than other areas and in most of the areas, they do not tend to cave in.

I do not think that would contribute to an earthquake or a major earth tremor of that type. The kind of rockbursts we are talking about are where the stresses are on the rocks because of removal. In the localized area of the mine, you would probably find scaling off, but not the major collapses. Most of those shafts are pretty deep too before you can access the material. I hope that is helpful.

Mr. Tieman: I may have misled the members a bit. The amount of research going on in all of these issues is immense. In fact, the mining research director now has a major project under way just to identify all of the projects and research projects that are under way. They are probably going to come up with something almost this thick listing all the projects.

When our division was first formed a year and a half ago, one of the issues was obviously safety, even before the current year fatalities became so high. When we looked at what our role might be and what the problems were, we found that there were two essential problems.

There was a lack of co-ordination between the companies. They were all sort of working away underground, without telling each other, on some of the same kinds of problems. The second problem was a major lack of funding of more purely scientific types of research as opposed to the more applied kinds of projects that the companies were engaged in. We commissioned Dr. Evert Hoek, who I think is the world's foremost person in the area of geomechanics. He has written the textbook that all mining engineers use in terms of mine design and mine safety factors.

He prepared a report for our ministry, and it was at that point we began to get involved as a new organization. This is just a very teeny list to suggest our participation over the last year and a bit in mining research and mine safety kinds of issues. It should not in any way, shape or form be construed as anything near the amount of research that is going on.

The federal government has major programs in mining research as well. You might want to talk to them as a committee, and you might well want to call Dr. Hoek, who now occupies a chair at the University of Toronto.

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Our ministry had some influence, I might say, in encouraging the university and several mining companies to put up the money to establish that third chair. When all three chairs have been filled by world-class scientists,

I believe Ontario will have the largest group of very highly regarded experts anywhere in the world. We are working with the three universities to develop, at the university level, a collaborative system so that the three universities also co-ordinate the research that they will be doing.

We have had some excellent co-operation between the three universities. They see themselves as working as kind of a network of excellence, if you will, with cross-appointments between the universities, and each of the people holding each chair will be able to provide post-doctoral training to people from either of the other universities.

We believe that there is a very great potential for Ontario to move well ahead of anybody else in the area of research called geomechanics. We have mining engineers, people who are physicists and a whole group of other experts that I think, over time, will prove that Ontario will have moved well ahead in terms of attention to research. Dr. Hoek is now here in Toronto. He moved here from Vancouver, and he has experience all over the world with mine safety problems.

Are there any more questions, Mr. Chairman?

Mr. Chairman: There are a couple. Mr. Wildman has a question.

Mr. Wildman: It would probably be useful for the committee to look into asking Dr. Hoek to appear.

I have a couple of questions following on from Mr. Wiseman. As I understand it, and as you have indicated, there has been a lot of research done worldwide, particularly in rock mechanics. As one might expect, there has been a lot of work done in South Africa in that area. Is one of the approaches of your research study to bring together all of this or to try to correlate all of this research that has been done in other parts of the world as well as what has been done in Canada and North America?

Mr. Tieman: The answer to that is yes. Dr. Hoek, for example, was the foremost researcher in South Africa at a period of time when they established quite a famous research group. He was also instrumental in setting up a group in Australia that also has some very considerable reputation in mining research. He brings all of those connections, which are really worldwide, and knowledge to Ontario in his position in the chair in geomechanics at the University of Toronto, in the department of physics, I might add.

We believe that through the chairs and by the recruitment process of trying to find the very best people from around the world we will be able to access a lot more knowledge about conditions in other places, where they are similar. I am not a mining engineer and I do not understand all of the complications. You will be hearing from a lot of mining engineers who will explain that each ground situation is somewhat different. There are common problems and there are site-specific local problems that also have to be understood.

I think we will be in a position of, essentially, acquiring the knowledge, expertise and contacts with a worldwide network of people who are expert in this subject. I am very optimistic that this is going to be an extremely important initiative that is parallel to the companies getting their act together through the mining research directorate. They have established

their office at Laurentian University, adjacent to the person holding the chair, so that the academic expertise that we believe is coming together will be closely connected with the mining industry activities and there will be co-ordination between the universities and the companies.

I think that is going to prove to be the best conceivable model we could define, but this is long-term research. I do not think you are going to get immediate answers out of that area which are going to be particularly helpful for short-term solutions, although, hopefully, there will be some. This is rather more fundamental research which we believe has to be conducted. It is important in beginning to solve some of the problems and questions.

Mr. Campbell: Just to add to that, I think there is an opportunity at this point, with the federal government's announced enhancement of research and development in the scientific field, to make the encouragement to access that kind of R and D; because it does fit, it can fit with the type of mining we are doing and, certainly, the health and safety aspects are important.

I think, as well, that point should be made to try to make that happen in the mining industry, where it can access the enhanced R and D funds from the federal government on a scientific basis.

Mr. Wildman: I notice that one of the Queen's University chairs is entitled mine design. As you know--and I will be asking the Ministry of Labour people this later on, too--one of the major concerns that has been raised, certainly by the labour movement and also by some mining engineers, is the fact that new methods of mining, which are leaving fewer supports than previously in older methods of mining, might be one of the reasons for the increase, or perceived increase, in the number of rockbursts.

Is that the kind of work which is going to be done at Queen's, to try to determine whether new types of mining are responsible for what appears to be some of the changes in previously understood rock mechanics?

Mr. Tieman: The answer again is yes. The issue you raise has been one of the contributing reasons for that specific chair in mine design being established. It is quite fundamental to any issue of safety. I cannot comment on the current methods of mining because, again, I do not have that expertise, but that certainly was what triggered the decision to establish a chair and to bring somebody with some worldwide expertise to begin research programs in that area.

Mr. Wildman: As you would know, the mine I am most familiar with, as a layman, of course, is Algoma Ore division. There, I understand, because the rock tends to be so stable, they can excavate enormous caverns underground. They have one section where they do all the maintenance on their machines underground, in an enormous cavern that is about four or five times the size of this room and very, very high.

In another section of northern Ontario, Inco could not even contemplate that kind of excavation in most of its mining operations because of the differences in ground stability.

Obviously, whatever fundamental research is done, it will have to be applied site-specific. What kind of connections will there be between the fundamental research being carried out and the development of technologies for particular mines?

Mr. Tieman: That is why the companies are so critical of this exercise, because if you are going to do real mining research, you have to do it in a mine. If you are going to really move fundamental research through any kind of applied research, a good deal of it has to be tests and trials and so on. That obviously requires very close collaboration between the companies and the researchers, whether they be in the company or in the academic community or in special research groups.

Again, through the initiatives going on now, we believe that is going to come together very well and we will have site-specific research activities conducted both by the private sector and through to the academic and publicly supported research initiatives. I think we are moving in a direction that is going to give us some good results.

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Mr. Wildman: I notice that in your discussion of the kind of research your ministry has been helping to fund, it tends to be related to the physics of the situation. As a committee, we are concerned with that, but we are also concerned with other hazards underground. I am wondering what ministry of government, if any, is actually funding research into occupational disease related to working underground in various types of mines. Is the Ministry of Labour doing that?

Mr. Millard: If I may, yes, the Ministry of Labour is funding to some extent, and I think to a large extent, a number of those types of both mine safety and mining health issues through a number of grants programs, through a number of affiliations with the universities.

We have Vic Pakalnis, as I say, doing the presentation. One of the things he was prepared to focus on, and is now preparing to focus more on, is the extent to which we do use the information gathering process we have in place to direct our research and the types of research that we are funding and attempting to co-ordinate, under the aegis of the committee that Dennis Tieman chairs, but other funding research organizations as well. We will elaborate on that during our presentation.

Mr. Wildman: You will be giving information about silicosis and cancers and those kinds of research.

Mr. Millard: Yes.

Mr. Wildman: I would like to finish off with Mr. Tieman with a couple of other short questions.

Mr. Wiseman was talking about abandoned mine operations and the hazards related to those. A number of those red marks up there probably are of old, abandoned mine sites that, because of the increase in the price of gold, now can be brought back into potentially profitable operation.

What role does your ministry or any ministry of the government have in approving the plans of a contractor or whatever for bringing an abandoned mine site back into operation? Does any ministry actually look at the plans of how they are going to proceed and say, "Yes, this is a good approach," or "No, you've got to do some other things here"?

Mr. Tieman: I may need some help answering that. From our perspective, it would depend on whether the title to the minerals is still in

good standing, in which case that would be the end of our direct involvement with those activities.

I believe they have to get permits from the Ministry of the Environment in terms of dewatering the mine. I know they have to get a land use permit from the Ministry of Natural Resources. I am not quite as clear on the Ministry of Labour side. Obviously, there are no permits, but I believe they are subject to the same legislation regulations. I think they are covered within the Occupational Health and Safety Act, so they are not exempt, by any means. As to what the regulatory inspection functions are, I would have to ask the Ministry of Labour to expound on that.

Mr. Millard: My good friend and supporter here, the director of the branch, Vic, has brought the act and the regulations forward. There is a predevelopment review and we will be discussing this in our presentation. It is a predevelopment design review that is required, and perhaps if I can just skim through the sorts of things that it covers, it will assist in the question before us.

Before proceeding with the development or construction of a mine or mining plant, the introduction of new process technology, a major alteration of mining technique or mining technology, the use of new methods of construction or of equipment installation, the making of a major addition or alteration, the design of a system and procedure for the transfer of fuel by gravity, the construction of a bulkhead or dam and the construction of a tailings dam or any surface structure for the impoundment of tailings, the owner of a mine or a mining plant shall give to the director a notice thereof and furnish the director with those drawings, plans and specifications required, for review by an engineer of the ministry, that ministry being the Ministry of Labour. So we do have a predevelopment design review.

Mr. Wildman: The other question I have is, perhaps you could clear up for us your ministry's relationship to the Ministry of Natural Resources.

I find on occasion when I phone regional offices or local offices of the Ministry of Natural Resources or of the Ministry of Mines, I get a receptionist who says, "ministry of natural resources and mines."

Mr. Tieman: We have as many relationships as we share offices, if I could answer it that way, Mr. Wildman. Our relationship is very good. We have not wanted to totally separate in a physical sense, a financial reason being one of them. With telephones and switchboards and where you begin to have more than one ministry in a building, it gets difficult for the person on the switchboard to know, it gets complicated by what to put on the signs, and I can give you a list of other things. Where people are comingled, as it were, it is hard to have that kind of separate identity unless you spend a lot of money, which we have not done.

I am aware of what everybody answers in every one of our offices and I think the one you just mentioned is the way they answer the phone in Sudbury.

Mr. Chairman: It makes you wonder why they separated the ministries, does it not?

Mr. Tieman: They answer it differently in Sioux Lookout and Red Lake and Kenora. In Timmins, perhaps we now have our own separate switchboard, but that becomes part of the issue; whether you want to spend money and put in a separate switchboard.

Mr. Wildman: No, that is not the thrust of my question.

Mr. Tieman: I know it is not.

Mr. Wildman: I want to know if you are really separate. I find it rather amusing, frankly--and you do not have to respond to this--that we have a ministry with two ministers.

Having said that, though, you indicated earlier that the land use permits for a new operation, for instance, are issued by the Ministry of Natural Resources.

Mr. Tieman: Yes.

Mr. Wildman: Could you just explain what your role is in relation to the Ministry of Natural Resources, which appears to have the responsibility for approving the use of crown resources?

Mr. Tieman: They have the responsibility for surface use. We have the responsibility for leasing and allocating the mineral title under the surface. This is where it gets very complicated, because you obviously have two jurisdictions on any given property. That is why we have not moved very far away from Natural Resources. I think it makes good sense that we continue to work closely with our specific concern about the industry and the title to mineral resources and not in any way attempt to take over any surface land management function from the ministry that has that responsibility.

Having said all that, it is not easy to sort out how that works. I do not have a complete answer for you. We are conscious of that on an almost daily basis in trying to work out new working relationships that I think in the long run will be very good.

Mr. Wildman: Particularly since George Tough is now the Deputy Minister of Natural Resources.

Mr. Tieman: That is an interesting comment. We have not had problems of any substantive type with the ministry, either before or after George Tough. I think the working relationships are developing quite well. It is still taking some time to sort out some of the details of how that actually works.

Mr. Wildman: Let us say you have a mine operation and they sink a shaft. What you are saying is your responsibility is the underground ore deposit.

Mr. Tieman: Yes, and the title to it.

Mr. Wildman: OK, and they build a milling operation on the surface. Is that your jurisdiction or the Ministry of Natural Resources?

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Mr. Tieman: It depends on the entitlement under the Mining Act. Some of that would be us under the Mining Act. If the surface is specifically for mining, that would come under us. Again, we would work with the Ministry of Natural Resources in terms of any other surface rights issues that had to be considered before those rights were granted. In fact our land titles and mineral titles are working in the same building, the Whitney Block, and they

work together so we are not going in different directions on any given property. Where there are specific surface requirements for a specific mining operation, that would be dealt with under the Mining Act rather than the Public Lands Act.

Mr. Wildman: We touched on this when we talked about abandoned operations. In terms of safety, who has responsibility for ensuring public safety in an abandoned mine site?

Mr. Tieman: I cannot answer that. We are working on it.

Mr. Wildman: I was told at one time by an official of the Ministry of Labour that the Ontario Provincial Police had the responsibility for public safety.

Mr. Tieman: There are quite a few answers to that question and I do not think anybody has found the right answer. One of the challenges of the interministerial committee is to sit down and figure this out rather than, as it were, passing the buck.

Mr. Wildman: I did not suggest that was passing the buck. This guy just did not know who to tell me. He said, "Maybe you should contact the police."

Mr. Tieman: It is something that everybody is and nobody is. It is that sort of situation. That is an area that probably has to be clarified under the Mining Act.

Mr. Wildman: Who has responsibility for public safety at a quarry or a gravel pit? Is that the Ministry of Natural Resources?

Mr. Tieman: It would be between Natural Resources, I suppose the municipality even, in southern Ontario, and the Ministry of Labour.

Mr. Wildman: The Ministry of Labour told me that, unless it is an operating site, they do not have jurisdiction.

Mr. Tieman: Then it would be under the Pits and Quarries Control Act in the Ministry of Natural Resources.

Mr. Wildman: Except in those parts of northern Ontario where that act does not apply.

Mr. Tieman: That is right, in which case it would be the Mining Act.

Mr. Wildman: I see. Thank you.

Mr. Chairman: A number of members have questions before Mr. Millard steps away from the table. You mentioned your interest in industrial diseases, at the Ministry of Labour. There are a couple of studies that are out there floating around: the gold miners' mortality study and the uranium miners' mortality study. Have they been made public yet?

Mr. Millard: Yes. As you will be well aware, there was a concern expressed by Mr. Seguin concerning the availability of those reports. I had spoken to him in November and indicated to him that I would like to discuss it with him personally and hand over those reports. We were unable to get together at the time he was here for the Ontario Federation of Labour

convention. In my absence in the last two weeks, my staff sent the information to Mr. Seguin: the most recent report, the original report that he was concerned about and full documentation of very minor changes that were made between the first report and the second report during the peer review process. Mr. Seguin has that in hand.

Mr. Chairman: Both those studies.

Mr. Millard: Yes, sir.

Mr. McGuigan: Just to add more confusion than clarity perhaps, are gas and oil wells under the Ministry of Natural Resources? I believe they are natural resources.

Mr. Tieman: They are the Ministry of Natural Resources and I believe they are administered under the Petroleum Resources Act.

Mr. McGuigan: So you do not have anything at all to do with them?

Mr. Tieman: Not other than that we keep some statistics and data. We have no direct responsibility or relationship with the petroleum industry.

Mr. McGuigan: In relation to Mr. Wildman's questions about jurisdiction, there is about the same situation with a farmer who owns land. When he drills a well, he does not have the mineral rights. In a few cases they have mineral rights, but mostly they do not. Then you have to get over the farmer's land to get to the well. There is a surface right and an underground right. I think the usual split--I do not know if this is by legislation or just historical--is that the farmer gets one barrel in eight, if it is oil, or one eighth of the gas flow, simply for giving up the right to access, the easement, that sort of thing. That is the way that works.

Mr. Tieman: I think that is common practice.

Mr. McGuigan: Just to go back to rockbursts and backfilling, none of us are miners, but maybe I can get the concept in my head. If you take a square inch of hard rock and put it in a press to see what the bursting point is compared to concrete, I am assuming the concrete would crush before hard rock would crush. That is right, is it not?

Mr. Tieman: I cannot answer that. I will have to get somebody who is more expert than I am. Rock all looks hard to me. That is an important question. I know there are a lot of rock presses around, attempting to determine the strength of various types of rock, but I do not know what those comparative strengths are. Perhaps Dr. Anders might help.

Dr. Anders: It would depend entirely on the specific rocks you are looking at. When you are talking about northern Ontario and pre-Cambrian rocks, they would, particularly in a small sample, be stronger than concrete. On the other hand, in a mine you do not deal with a one cubic inch sample, but with very large areas. There may be fissures; there may be zones of weakness. You cannot always go just by the strength of a small sample.

Mr. McGuigan: Just to get a general idea of what we are dealing with.

Dr. Anders: Typically, they would be harder.

Mr. McGuigan: You would have a product that probably is harder than

concrete. If this were a room that was excavated, the walls and ceilings at a considerable depth in the mine would have pressures of millions of pounds; the pressures on that are astronomical. When you take the product out, those pressures are coming down from the ceiling and coming in from the walls, and that is where the rockburst opportunity comes from.

Mr. Tieman: As I understand it, the primary threat is lateral pressures. Again, the Ministry of Labour and Mr. Pakalnis's branch, prescribed the amount of crown pillar which has to be left from a safety factor in terms of downward pressures and surface pressures. That is all part of the section Mr. Millard read out, where the design has to be approved. That includes what are known as crown pillars, which is essentially how much hard rock you have to leave on the top as a safety measure.

The rockburst preoccupation has to do with lateral courses and the understanding of those.

Mr. McGuigan: In an undisturbed body of rock, pressures are equal in all directions. If you take out, then your pressures are all coming in from the outside.

Mr. Tieman: They have now developed fancy computer models that identify all the stresses, and that is part of the mine design research. If you take this shape and size out of the underground, what happens to all of the stresses? That can now be identified and determined.

Mr. McGuigan: That is only very recently, though.

Mr. Tieman: Very, very recently. Just in the past couple of years.

Mr. Leone: I have two questions. The first one is related to this topic. I was going to ask about the status of the programs, if there was enough money. You have already answered that there is a shortage. I would like to know dollar amounts for how much money is spent on this kind of research and, if possible, the percentage spent on specific programs concerned with our topic, safety. I think we should know, because I think it is an important thing if we can direct some money eventually to programs, research and safety. The other is that we have to think about the leases and the permits. How much does it cost the juniors or developers to obtain these leases when they pay the government?

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Mr. Tieman: I will start with your first question, Mr. Leone. I cannot tell you in terms of the total research programs in the federal government, in the industry and, for that matter, even in the province. I do not have those numbers. The very small contribution we have just recently begun to make to this is very, very minor in relation to the total budgets that exist.

I believe the federal government has in the hundreds of millions devoted to various kinds of research. It has major programs, but it is under some stress in terms of funding, as you probably know. The largest project we are involved in is the rockburst research, and that is a \$4.2-million program for five years, split three ways between the province, the federal government and a number of companies that are involved. I think it is one of the larger single projects in terms of budget. For the work at the universities, there is not a lot of money other than the funding of the chairs. The two smaller projects are less than \$100,000.

I would stress again that we have been involved only within the last year and have only, as it were, come on the scene, and our contribution is very minor at this point in time in relation to the total effort. Still, I think a lot of people are trying to figure out what the total budgets are that are devoted to mine research. There are many aspects of mine research, safety being a predominant one, but there are other kinds of mechanized devices, types of design studies and research that is going on to mechanize mining. There is a whole area there that has safety implications.

As an example, and I hate to pick out one company, Inco is developing a totally electric mine, where the intent over the long term--and they are working in conjunction with a university in Quebec--is eventually to bring robotics into most of the major mining activities. That is another form that has a very profound safety implication as well. If you can in fact put machines into the more dangerous situations that are automatically and remotely controlled, then you can also reduce the exposure of people to hazardous conditions.

On your last question about leases, there is no difference between whether somebody comes forward as an individual, a junior or a senior company; the same provisions apply. It is covered in the Mining Act. Typically, you have to meet a number of conditions that are set out in terms of staking and proper recording of your claim with our office and then doing a prescribed amount of work over a period of up to 11 years. That is set out in the Mining Act. Then you become eligible for a 21-year lease, which gives you the right to mine a prescribed area. The payment for that right now is \$1 an acre for the first year and 10 cents an acre for each subsequent year, with a minimum of \$10. These rates have not been changed for some time. That is the standard process.

Mr. Leone: It does not increase? Suppose the mine is a success in the research. It does not change?

Mr. Tieman: Not at all.

Mr. Chairman: OK. Mr. Wiseman? Where did he go? Are there any other questions by members of the committee?

I should tell the committee, before we go any further, we are trying to arrange for tomorrow. The Workers' Compensation Board cannot come tomorrow. They are going to come on Tuesday. We are trying to arrange a little tour of a salt mine tomorrow in Goderich and we will know the answer this afternoon. I think it would be nice to get the members into a mine before we go on too long with talking about a mine without seeing one.

Mr. Wiseman: So we go from the mineral to the--

Mr. Wildman: No, it is not a mineral.

Mr. Chairman: Yes. We had a choice between Goderich and Siberia. We picked Goderich.

Are there any other questions of Mr. Tieman or Dr. Anders? If not, thank you very much for your presentation, gentlemen. You have given us a nice overview.

Mr. Tieman: Thank you. If there are other questions, I would be happy to come back at any time.

Mr. Chairman: OK.

Mrs. Marland: I am sorry, I did have a question. I just asked Todd if they were coming back this afternoon; I was going to save it. It is very simplistic. I am wondering whether there are situations in any type of mining operation where a new cut is made--I do not know the terminology.

Mr. Campbell: Drift.

Mrs. Marland: What is it?

The miners carry air with them. Are there situations where it is optional or mandatory, and for compensation is it mandatory and that kind of thing?

Mr. Tieman: I cannot answer that, Mrs. Marland. The people who will be talking to you all afternoon will give you all of that detail, I am sure.

Mrs. Marland: OK.

Mr. Tieman: The mining health and safety branch would give you that kind of detail. They will be here with you this afternoon.

Mrs. Marland: I just wondered who sets the requirements.

Interjection: The Ministry of Labour.

Mrs. Marland: It is the Ministry of Labour. OK, thank you.

Mr. Chairman: Thank you again, Mr. Tieman and Dr. Anders.

Mr. Tieman: I might mention those little packages. There is a copy of that map in here and some quick facts on mining. There are copies available through your clerk, if you would like them.

Mr. Chairman: All right. Thank you again.

This afternoon we are going to hear from Mr. Pakalnis and, presumably, Mr. Millard as well, who have the ultimate responsibility for health and safety in the mines. This afternoon's will be an interesting presentation, I am sure.

The committee recessed at 12:08 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

WEDNESDAY, JANUARY 20, 1988

Afternoon Sitting



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Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Labour:

Millard, Tim J., Assistant Deputy Minister, Occupational Health and Safety
Division

Pakalnis, Vic, Director, Mining Health and Safety Branch

Kivisto, Paavo, Chief Mining Engineer, Mining Health and Safety Office, Sudbury

From the Ministry of Mines:

Campbell, Sterling, Parliamentary Assistant to the Minister of Mines
(Sudbury L)

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, January 20, 1988

The committee resumed at 2:15 p.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: The resources development committee will come to order. We do not have a representative from one of the parties, but we are not having votes and so forth so I think we will go ahead and risk the criticism because I think we simply must begin.

This afternoon, we are going to hear from the people who have nobody to pass the buck to. They are the head of the health and safety branch of the Ministry of Labour responsible for health and safety in the mines. We have Mr. Pakalnis who is the director of the branch. Mr. Pakalnis, would you proceed, please, or whoever; I am sorry. I was not trying to establish a rank here.

Mr. Millard: Not at all. Our ranking system is a loose one. I introduced myself this morning and I will do the same again for those of you who were not here this morning. My name is Tim Millard and I am the assistant deputy minister of the occupational health and safety division. Let me say that I am very pleased to be with the committee today. It is an extremely important inquiry and one that I think very obviously is in the forefront of a lot of our minds with respect to how we might better reduce the risk of death and injury in the mines in Ontario.

I would like to introduce colleagues of mine from the ministry who have expertise in occupational health and safety in the mining area and persons who I will be able to pass the buck to at least. Victor Pakalnis, introduced earlier, is the director of the mining health and safety branch. We are also represented by Paavo Kivisto who is our chief mining engineer; Jerry Lazurko who is our chief electrical-mechanical engineer; Ed Mitchell who is our engineer of operations; Douglas Ames, our senior ground control engineer; John Vergunst, our working environment engineer; Marcel Caron, our area engineer from Thunder Bay, Kenneth Pierce, our mine rescue officer from Elliot Lake; and Karen Hanna, our policy and program analyst, who will help us with the presentation.

We would like to make a presentation this afternoon and Vic will carry that forward using some overheads and slides that will serve at least as an introduction to the subject of mining health and safety in the province. In it, we hope to address the four items which are the primary terms of reference for the committee. Copies of the overhead transparencies have been provided for your convenience. For members of the audience, we did have some additional copies and I see they have been popular items because we are now depleted.

Mr. Chairman: That is this?

Mr. Millard: Yes.

As we arranged previously with the clerk of the committee and with the chairman, we will be submitting a brief to you by February 18. The brief will

contain a detailed documentation of the matters discussed this morning, as well as the additional information we believe will be useful for the purposes of your inquiry.

In the presentation that follows, we would like to try to deliver some basic facts and information that we hope will be useful in trying to understand the very complex subject that is mining safety. The reality of mining is that it does take place in a harsh and hostile environment. Our metals and mineral resources are mined where nature has placed them, some at the surface and some in excess of a mile underground. Miners must always contend with the forces of nature. Those of us who contend with those forces on a regular basis know the unpredictability of those forces.

Mining is a highly disciplined and interdependent undertaking, in which workers, employers, technical experts in engineering, geology, mechanical, electrical and other specialties, work to design the underground or surface operations and in which skilled miners, mechanics, electricians, vehicle operators and a myriad of workers of varied responsibilities and expertise co-operate to get the ore out of the ground and to the surface, but we must remember in the words of James Ham, responsible for the Ham commission, that the most valuable thing to come out of a mine is the miner.

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The Ministry of Labour plays an important role in this co-operative and complimentary relationship. In the presentation that follows, we will discuss the Ministry of Labour's role and touch on the role of others in reducing the risk of death and injury in the Ontario mining industry.

Let me say with respect to the presentation that will follow that I would like Vic to pay particular attention to the concern that was raised this morning regarding information and the use to which we put the information we gather: the extent to which we use our information to set our priorities for inspections or investigations; the extent to which we use our information to apply sanctions that are at our disposal such as shutting down operations, ordering operations to be corrected and prosecutions when prosecutions are appropriate; the extent to which we use our information gathered to direct our research and our research priorities and our research funding.

There is the extent to which we use our information to provide hazard alerts to the industry so that it can be alerted to trends as we discover trends from our information gathering process; the extent to which we provide information to our Mining Fatalities Committee that has been established and has been ongoing to address some of the same concerns that you will be addressing; the extent to which we co-operate with the Ministry of Mines in supplying information and trying to accommodate the exact concern that was raised this morning when we have, and I think I am quoting the words of one of the questioners this morning, "a bad actor," what we can do with regard to further sanctions beyond our Ministry of Labour and Occupational Health and Safety Act sanctions. We are working with the Ministry of Mines to try to do exactly that and see whether we have the legal capability to withhold leases on the basis of a mining health and safety record.

There is the extent to which we co-operate with the Workers' Compensation Board. In fact, at this time we are working with WCB under its section 91 that would allow the WCB to increase levies based on the findings of our Ministry of Labour occupational health and safety inspectors in a workplace; the extent to which we co-operate and share our information with

organizations like the Mines Accident-Prevention Association of Ontario; and the extent to which we accumulate and use the information from WCB, such as the form 7s, the records of injuries, so that we can use those to direct our priorities as well.

I would now like to say that I am pleased that you as a legislative committee have joined in the search for ever better methods to achieve improved safety performance in our mines and mining plants. I would like to call upon Vic to make the presentation. Vic, you should know, has a bachelor's degree in mining engineering and a master of engineering degree in rock mechanics, both from McGill University. Vic has been the director of our mining health and safety branch since 1985. Of particular interest, I think, will be the fact that in 1983-84 he served as a principal adviser to the Stevenson inquiry. Vic will make our presentation, as I said, and we will be available during and after, of course, for questions.

Mr. Chairman: Thank you, Mr. Millard. Before we go to Mr. Pakalnis, perhaps I could ask you a question since you are the assistant deputy minister and, therefore, have considerable decision-making discretionary powers, I assume. From time to time, I hear comments by inspectors who feel frustrated from time to time and I am sure that is inevitable. Would it be possible for the mining inspectors of Ontario to speak directly to the committee, either orally or in writing, as a result of an invitation from you to do so?

Mr. Millard: I have no hesitation whatsoever in making those services available to the committee and would be pleased to do so.

Mr. Chairman: The reason I ask it is not to put you in an untenable position, nor them; I would not want that. It is that those are the people who are there doing the inspecting day after day after day on the job. It is to get a sense of some of their feelings about on-the-job inspections. I think it would be interesting for the committee to hear from some of them.

Mr. Millard: I would be quite pleased to do that, Mr. Chairman.

Mr. Chairman: Thank you.

Mr. Pakalnis: We will now present an overview of what we consider will be of value to you in understanding the subject of safety in Ontario mines. This will be contained under eight subject headings. First, I will begin with an overview of mining and mining methods, then proceed to a description of the mining health and safety branch, then address specifically the four terms of reference of the committee dealing with the inquiries and commissions since 1974, the consultative mechanisms that we have, the accidents statistics, causes and contributing factors, and engineering education and enforcement in what is being done in all these areas. I will discuss briefly emergency preparedness in mine rescue and finally talk about future directions and initiatives being undertaken.

Our approach to this question of mining safety in this presentation encompasses three distinct themes which will run throughout the presentation: first, that much has been done in mining safety and that much remains to be done; second, that our primary mission is to reduce the risk of death and injury in Ontario mines; and third, that a tripartite approach with labour, management and government commitment is essential in identifying hazards, evaluating options and implementing optimum solutions to problems in mining safety.

If I could take you back to an earlier presentation by Mr. Tieman, he explained that the soft-rock mines are concentrated in that green belt in the south of the province and the hard-rock mines in that blue belt. Most of the metal mines are located in northern Ontario. Southern Ontario has salt, gypsum and talc. Mr. Miller would be pleased to see that we have put Caledonia-Hagersville and Drumbo in our map.

The pits and quarries operations are found throughout the province but primarily south of the pre-Cambrian Shield and in areas around Sudbury, Thunder Bay and Timmins. Uranium is found in Elliot Lake, nickel in Sudbury, copper in the Sudbury-Manitouwadge-Sturgeon Lake area. Gold is found in Hemlo, Red Lake, Kirkland Lake, Sudbury and Timmins. Iron we mine underground in Wawa and there are surface open-pit mines in Kirkland Lake and Temagami. Silver would be mined in Cobalt.

Turning to the numbers of operations and workers, we classify our workers in a slightly different fashion from what was presented by Mr. Tieman. The Occupational Health and Safety Act applies to all workers, starting from prospectors, throughout the industry. We do not inspect steel mills, though; therefore, there is a difference in the figures we will present and the ones Mr. Tieman had.

If you look at those figures, you will see that there are about 168 operations of various sorts in the province, larger mines, smaller mines, diamond drill--in this case, the underground mines, some of them very small prospects with four or five people and others more massive, into the thousands, in particular in the Sudbury operations. The underground mines represent 54 per cent of the workers in the mining industry in Ontario; surface operations represent 29 per cent; plants make up 16 per cent; and diamond drill operations less than one per cent.

I would like to take you through the various stages of a mining operation.

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Mr. Chairman: Where are the smelters in that?

Mr. Pakalnis: I have put them in the plants. Smelters are in metallurgical plants and labs, that area.

If I can have the next slide, this will take you through what Mr. Tieman described in a graphical form. First, this is a section through an ore body. We do surface exploration, prospecting and then do diamond drilling, and the diamond drilling operation would outline where the ore is located. Once that stage is done, you sink a shaft and you put in your levels every 100 or 200 feet, and a chute system or what is called an ore-pass system to carry the broken material down to the bottom of the shaft for hoisting up to the surface. The structure on the top is called a head-frame, much like an elevating device that you would have in a building.

Mr. Chairman: Keep in mind as you go through this that there are members who have never been underground. Make sure they understand how the ore gets from the ore body, which is outlined in red, up to the top eventually. I think you went over that a little fast for some members.

Mrs. Marland: I was just going to say it is those short areas on the right-hand side of the shaft.

Interjection: Right here.

Mrs. Marland: Yes, that is what I thought.

Mr. Millard: Paavo Kivisto is our chief mining engineer, and if it will help as we go along and there are those sorts of questions about the slides, Paavo can point out exactly on the slides.

Mr. Chairman: We really do want the members to feel comfortable with it.

Mr. Millard: Yes, understood.

Mrs. Marland: How is it done? Is it just thrown down the shaft? How is it transported other than by--

Mr. Kivisto: Do you want me to answer that?

Mr. Chairman: Yes, please.

Mr. Kivisto: Vic was explaining that you have the ore body located in various parts underground. Some drilling and blasting will break the ore up and it will be transported along these horizontal levels back to the system of ore passes that you see here. Gravity will bring the ore down to a loading pocket which is down at the bottom of the shaft or someplace in the shaft. You will have a head-frame here with a hoist set some place over here that will lower a skip or conveyance down a shaft. You will load the broken ore into that skip and it will be brought to the surface where it will be dumped and then taken into that plant.

Mr. Chairman: I do not want to jump ahead here, but while this diagram is on, it might be useful for members if you could show what happened in Levack a year or two ago when four miners were killed while they were down at the bottom. Do you know the basic details of that?

Mr. Kivisto: What we had at Levack was a conveyance such as you have going up and down a shaft and a hoisting rope. On top of the conveyance was an aluminum structure where we had the four men and they were doing a shaft inspection. They were being lowered down a shaft and were looking at the condition of the shaft to make sure there were no loose timbers, no loose rocks, that everything was in good shape. They do that on a weekly basis.

In that case, there was a loading pocket arrangement such as you see down here in the middle of the shaft. They were actually being lowered. They had gone past that level and were being lowered below that loading pocket--let us say the shaft extends down below here--and through a series of circumstances, the gate opened on the loading pocket up above the men. The muck, which was rather wet, broke through some protective barriers we had and fell into the shaft and down on top of the protective hood we had on the conveyance. It resulted in crushing the four workers.

Mr. Chairman: This is just so the members get a sense of how these kinds of things happen.

Mrs. Marland: Is all the ventilation just through the one shaft?

Mr. Kivisto: I guess you do not have a cross-section, but mines are usually ventilated by more than one shaft. Somewhere on the extremity you will have a ventilation raise, which is just a vertical opening in the surface. You will normally bring your air down the ventilation raise, heat it, force it in along the levels through the mine workings and it will be brought back up the shaft. There is usually a fan on the surface, a heating fan, forcing the air down a series of raises, across these levels, through a series of doors that are controlled and auxiliary ventilation, smaller fans. Then once it has ventilated the working places, remove the dust and other toxic gases and it is brought back up the surface through the shaft.

Mr. Miller: Do you usually have water in those areas? Does the water have to be pumped out too?

Mr. Kivisto: Water is used extensively underground for many purposes, the primary one being to control dust. We use water when we are drilling. It is injected through the drill steel into the ground you are drilling so that the dust conditions are controlled. As well, we use water to spray on the broken rock; when you are digging it, it controls the dust as well. That water, as long as it is natural water that leaks through the rock, is then guided through a series of ditches and then pumped into sumps and up to the surface.

We also get water being added through the backfill system. In mines that use backfill, they add broken material, waste material that they have filtered through the plants, back under and down into the stopes to replace the rock and the ore they have removed. That is taken down with water, and that water will be drained off and then through the pumping system into the shaft and up to the surface.

Mr. Millard: Mr. Chairman, perhaps it would be appropriate at this point for Vic to explain some of the terminology that is being used, because I am sure there will be members who are not familiar with raises, drifts, stopes and muck--

Mrs. Marland: Well, muck, we are.

Mr. Wildman: We tend to rake it around here.

Mr. Millard: --so it might be of some value to committee members.

Mr. Pakalnis: Perhaps I will go through the terminology involved after we flip the last one over. The last stage of mining after the development is put in is production mining. That completes the picture.

First of all, the word "stope" is a working place. Would you point out some of the working places, Paavo? Stopes are the places where miners work, where rock or ore is drilled and blasted and then taken through the haulage systems and through the chutes, which are called ore passes, to the bottom of the shaft by gravity and then hoisted up through conveyances through the head frame. The ore then is taken to a mill, where the material is further broken down, crushed very finely and concentrated, then sent to the smelter and the refinery, depending on the mineral or metal involved, for finishing and processing.

A few other terms, I guess, were used: Drifts are the horizontal

openings, the horizontal tunnels. The word "drift" comes from, if you are heading in the direction of the ore body, you are drifting along the ore body. If you are going at 90 degrees to it, it is called a cross-cut. It is our way of keeping everyone else out of mining: We use a wholly different language. But for your benefit we will be putting a glossary in our brief at the end to explain all the common terms that are used.

Mrs. Marland: So the drift is established by the process of the excavation.

Mr. Pakalnis: Correct. The drift is a tunnel that is--

Mrs. Marland: Created as they work through the--

Mr. Pakalnis: No.

Mrs. Marland: Oh, it is not?

Mr. Pakalnis: No; it is that horizontal tunnel, which would be about an eight foot by eight foot section.

Mr. Wildman: The stope is what is created by the work.

Mrs. Marland: Oh, I see. They go off the tunnel to get the material and bring it back into the drift.

Interjection: Right. Off these drifts--

Mr. Pakalnis: The stope comes off the drift. The stopes are the working places, as I said.

A raise is a vertical opening between levels. Sometimes, perhaps for access, we have manways between levels. Paavo is putting in a raise here. We might have it for ventilation purposes, to better circulate the air. Any vertical opening which would be a cross-section eight feet by eight feet or thereabouts would be called a raise.

.1440

Mr. Chairman: If you are going to do it later on, do not bother now, but I wonder if you can explain the blasting process to the committee members.

Mr. Pakalnis: That is going to be coming in the mining methods. I will try to describe how various stoping methods work, because we have a number of mining methods. Some of them were referred to earlier as bulk mining methods and others that are more conventional.

In your handouts you have a section of a typical mining operation. It is a little cluttered, and that is why we did not present it on the screen, but it does have all the terminology that is used. You can see the location of a pump for pumping out the water. You can see the location of ore passes and all other aspects of a typical mining operation.

If the ore body comes to surface, it is very likely more economical to mine it by open-pit methods, and in a lot of cases you would have a mine that would start out as an open-pit mine and then after that eventually go underground.

Mr. Campbell: To clarify it further, it is a question of where the ore is in relation to the surface that you would have either an open-pit or a traditional mine, what is usually seen as an underground mine.

Mrs. Marland: When the ore goes down the passage, is it just dumped out of trolleys or is it in some form of containment? What keeps those passages open, or do they sometimes get blocked by an accumulation of large pieces or something?

Mr. Pakalnis: They can get blocked, and we have to use vibration methods, water jets or sometimes percussion blasts to shake that broken rock through, but normally the ore passes are large enough so that it would flow very much through the chute, just as an ordinary chute that you might imagine. They can get stuck, and in fact that particular operation of "unstucking" the ore passes is a hazardous operation.

Mrs. Marland: I was just wondering that, because when you look at this and see the control chutes at the bottom of those passes at each of those drift levels--

Interjections.

Interjection: We are going to have to get her a helmet.

Mrs. Marland: I am really enjoying this; it is so educational. Obviously, it is interesting in this diagram particularly, because you do see the different angles, and I was just wondering what does happen in between. I mean, they are angled, but there is no access point at those angles, is there?

Mr. Pakalnis: This is in three dimensions as well. It is a three-dimensional representation in two dimensions. The actual chutes would not be in the same plane as it is shown here. If you look at the little branch raises that are illustrated--if you could point one out--

Mrs. Marland: Yes, I see these.

Mr. Pakalnis: These would be on every level. If there is, for instance, mining on that level, you would take broken material in a train or through mechanized equipment and transport it to this branch raise, you would dump it through and it would fall through the main ore pass. In other words, it may be a little misleading because it is all shown to be on one plane here. It really is not. The ore pass, in fact, is in behind these drifts.

Mrs. Marland: Would one of the reasons not to have the ore passes completely vertical be so that the material through the force of the fall does not end up in dust at the bottom? You would not want it to fall a great distance, would you? That is what I am asking.

Mr. Pakalnis: Have you got a good answer for that?

Mr. Kivisto: Some of them, in fact, are vertical. What you do is you control the level of material you have in the bin so that you do not free-fall to the bottom. You will measure the amount of ore you have in the ore pass and make sure that the muck does not fall all the way down, because it does a lot of damage to itself and to the walls.

Mrs. Marland: That is what I wondered.

Mr. Kivisto: So you do exercise some controls through your operations to make sure that it is not falling all the way down and breaking your chute controls at the very bottom, because that is what would happen. It would shoot down like a cannonball.

Mrs. Marland: If it was very direct.

Mr. Kivisto: That is right, so you leave the ore pass reasonably full to cushion the muck when it falls.

Mrs. Marland: Thank you.

Mr. Pakalnis: If we can continue to look at these various mining operations that I have described, in terms of level of risk intrinsic in the work performed in the physical environment, we can group the plants, mills and concentrators, smelters and refineries as lower-risk mining operations. Approximately five per cent of the fatalities in 1987 resulted from one of these operations.

Mr. Wildman: May I ask you a question? When you say "lower risk," are you defining that as accidents, injuries and death as opposed to industrial disease?

Mr. Pakalnis: That is correct. I am going to be primarily talking about traumatic fatalities--in other words, not including--

Mr. Wildman: Silicosis or cancer.

Mr. Pakalnis: That is right, chronic health effects. I will be touching on some of the questions, perhaps, that were raised earlier about what we are doing in terms of ventilation and research in silicosis and others, but the presentation I have is really all geared to the traumatic fatalities and the 19 fatalities we had last year. The five per cent is really one fatal last year. It was in one of the lower-risk mining operations.

The higher-risk mining operations would be pits and quarries and diamond drill operations, and we had two there. The typical hazards in pits and quarries would be rollovers, mobile equipment hazards, machine guarding, bank failures. In open pits and quarries you would have flyrock damage, blast damage, mobile equipment hazards.

Mr. Chairman: Did you say "bank failure"?

Mr. Pakalnis: Bank failure: earth bank. There are also rollovers and wall instability. I will use that term instead.

In diamond drill operations there is machine guarding, methane gas inflows, cold temperatures, because a lot of our diamond drilling is done during the wintertime, and we did have one fatality two years ago where a prospector died from exposure. Of course, fires as well are another risk in those operations.

The highest-risk mining operations--

Mr. Wiseman: You gave us five per cent on that first one.

Mr. Pakalnis: Five; 10 per cent on the second.

Mr. Millard: Two fatalities in 1987 in those types of operations.

Mrs. Marland: How many in this one?

Mr. Pakalnis: Two in the higher-risk mining operations.

Mrs. Marland: And one in the other.

Mr. Pakalnis: The highest-risk mining operations, where 85 per cent of our fatalities occurred last year, are in shaft sinking and development work. Much of the work in this area is done by contractors, and also underground production, whatever mining method is used.

Seven out of the 19 fatalities that we had involved contractors, diamond drilling operations or mining contractors. The typical hazards would be from blasting; ground problems, falls of ground; moving conveyances; falling hazards; and mobile vehicles.

If I could turn to the mining methods used in production--

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Mr. Chairman: There are a couple of questions before you do.

Mr. Wiseman: I just wondered. Yesterday maybe I was wrong in my numbers, but I thought the number of fatalities was about 30 some?

Ms. Luski: Just under 20.

Mr. Wildman: Thirty-seven. That was from the Workers' Compensation Board, and that included industrial disease as well as traumatic accidents. The number I had yesterday was 17 or 18 traumatic accidents. You are saying 19.

Mr. Pakalnis: The figures you will be getting from various organizations will be different. For instance, the Mines Accident Prevention Association of Ontario does not cover all the mines that we cover. Pits and quarries, for instance, are not covered by the Mines Accident Prevention Association, so there will be differences in the figures that one organization will quote versus another. The WCB, as you said, quotes both traumatic and chronic health.

Mr. Wiseman: The 19 that we are talking about now take in pits and quarries as well as underground mining?

Mr. Pakalnis: Correct. It takes in everything that the mining regulations apply to.

Mr. Wiseman: Would it help us to know how many of those 19 were really in mines? To me, mines are underground, whereas the pits and quarries are aboveground. I would take our terms of reference to be more in the mining end.

Mr. Pakalnis: Yes.

Mr. Wiseman: I think we are looking more at mining. I understood our terms of reference were underground mining.

Mr. Chairman: Perhaps I could interject here. The committee, I think, should understand that the aboveground operations, like the mills, the smelters and the conveyance problems in getting the ore from one place to another, are part and parcel of mining.

Mr. Wiseman: I can see that to do with the mines, but the gentleman said pits and quarries. I have a lot of pits and quarries in my area, but I thought we were studying not that but rather the mining. I agree that the smelters above the mine are part of that, but I did not think our terms of reference went into pits and quarries in Lanark and Renfrew counties or some of the other places.

Mr. Chairman: Nobody has set this out in those kinds of terms for the committee, but I suspect the committee would agree, if we were to have a discussion among ourselves, that we are basically talking about the mining operations but including the aboveground part of mining operations.

Mr. Wiseman: All right, that is fine. I just wondered if the gentleman could separate the pits and quarries from the other just to see how serious the problem is with the mining part of it.

Mr. Pakalnis: Fourteen of the 19 happened underground, and then five happened on the surface. In one of the cases it was in a quarry where a large truck backed over an individual. In another a front-end loader was operating near the edge of a pit and fell over the edge of the pit. In the diamond drilling we had one diamond driller on surface who was killed.

Mr. Chairman: Mr. Pakalnis, would you feel it was unfair if I said that I thought the health and safety branch of the Ministry of Labour had a mindset on traumatic accidents at the expense of illnesses?

Mr. Pakalnis: No. In fact, I would be pleased to describe what we are doing in the occupational health end. It is quite a bit.

Mr. Chairman: But every time you talk statistics, you talk traumatic accidents.

Mr. Millard: If I may, Mr. Chairman, we did that in light of what we believed was going to be your direction and the terms of reference relating to mining safety as opposed to the occupational illness. We can certainly prepare for you, in terms of statistics, the same type of approach for the occupational illness portion of it, but we had not anticipated it from the terms of reference, which is our fault, and it did not come up in discussion.

Mr. Chairman: I would be interested in hearing from other members of the committee, but I do not know how you can separate the cause of a miner's death, when it is the result of a traumatic accident on the job versus an identifiable, compensable illness on the job. I do not know how you make that distinction. It is still a death as a result of working in the mines.

Mr. Millard: I certainly would not suggest that we make a distinction in terms of the outcome at all. But in terms of the type of operation, the type of research, the type of information requirements, the activities we would have to undertake to reduce one are significantly different from the activities we would have to undertake to reduce the other.

We quite legitimately felt that we were responding to the terms of reference that were before us. If there is a desire to go more broadly into

the occupational illness aspect, then we are quite prepared to do so. It will take us a longer period of time to do, because it is a much more broadly based set of information than this.

Mr. Chairman: I understand that.

Mr. Wiseman: We have the 14 underground. We had one that could be added to that, the diamond driller, which would relate to that. The other two seem to be pit mining or gravel. There are still two others. We take it then there were only 15 in total to do with mines. The other four were--

Mr. Pakalnis: The other two happened on surface. One was a conveyor belt accident and the other involved a surface iron mine in the Kirkland Lake area where the front-end loader was operating and fell seven metres from an elevated floor and crushed the worker.

Mr. Wildman: Those last two would be in what we term as mining operations.

Mr. Millard: Yes.

Mr. Wildman: Following from your exchange with the officials, Mr. Chairman, if you look at our terms of reference that you were referring to, it says, "to consider and report on safety in Ontario mines including...2. both provincially and nationally, the consultative mechanisms between labour, industry and government that identify hazards and put in place mechanisms to reduce and eliminate the risk of death and injury in the workplace."

Obviously, the committee and, I am sure, the Legislature when it made the referral to the committee were interpreting the word "hazards" more widely than traumatic accidents, as all hazards that could lead to death from mining.

Mr. Chairman: If it is of any help, I did have discussions with the minister on this before the motion was introduced. I told him how I saw the terms of reference in the motion, and said I would be speaking on the referral motion that was put in the House, which I did on the last day of the session. I indicated that my interpretation of it was that it was a look at the causes of accidents and fatalities and that it should not be restricted to traumatic incidents underground. He had no problem with that. You may want to check with him, but that clearly was my understanding.

Mr. Millard: Of course, we are taking our lead from those types of discussions and the reference to safety. Traditionally, each of the looks and investigations that have been taken into mining fatalities and mining in general have separated out safety and separated out health. We have taken our lead from the words "consider and report on safety in Ontario mines including." If health is a part of that term of reference, then we will be pleased to report further to the committee on the health aspects.

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Mr. Chairman: It certainly was in Dr. Ham's report.

Mr. Millard: Yes.

Mrs. Marland: Actually, now that has come up, I would like to comment on it. I certainly feel that the purview of our review is all risks and, if it is not, it should be. The hazard is to the worker and whatever the

hazard is, if it ends up being a health hazard or a trauma hazard, tragically it can have the same result. I think it would be too myopic of us to stay within just the trauma area. I do support the full information and the full exchange of discussion in the total area.

In dealing with these numbers, I understand that we now have 19 that are purely trauma-related.

Mr. Millard: Yes.

Mrs. Marland: Then the other information will be forthcoming.

Is there a guideline through insurance that indicates the disposition of risk in this occupation? If someone works in open-face, open-pit mining and in pits and quarries rather than underground mining, is that very quickly identified through an insurance rating? Is there an acknowledgement that there is a complete difference of risk?

Mr. Millard: I am not sure whether you are referring to personal life insurance or to liability insurance that a company would acquire.

Mrs. Marland: Either. Just the whole responsibility of insurance. Either type of insurance, whether it is personal or liability on the part of the company, identifies the area of risk.

Mr. Millard: Certainly I have never had it indicated to me by a worker, nor am I aware that there is any distinction with respect to the ability to acquire life insurance based on the type of endeavour. With respect to the liability insurance of a company, I am not aware of that distinction either, but that is one I would like to check further on. I cannot give you a definitive answer on that, but I am not aware of any distinction.

Mrs. Marland: It would be interesting to know.

Mr. Chairman: On Tuesday afternoon, the Workers' Compensation Board is coming before the committee. They would have some of that kind of information for you. They are the ones who collect the assessment and risk.

Mr. Millard: Certainly with experience rating, which the WCB is introducing--and they will speak to that, I am sure--I would expect to see those types of distinctions based on experience rating.

Mrs. Marland: As a layperson--and that is the last time I am going to say that because I assume that all of us--

Mr. Chairman: You are becoming an expert.

Mrs. Marland: All of us on this committee are laypeople, I think, in this area, but you would think it would be less hazardous to be on the surface and above the ground. It would be interesting to see if that is identified.

Does your department within the ministry exchange on a worldwide basis information relating to new methods that enhance safety?

Mr. Millard: Yes, we do. We will be talking about North American efforts that are ongoing and that are being co-ordinated by various groups. We

will also talk about some of our interactions with other governments outside of North America with respect to work they are doing.

We have a person in Germany at this time who is responsible for mine rescue, looking at exactly the sorts of things that are occurring in terms of new developments there in mining techniques and also mine rescue techniques. We do try to keep in close touch with other agencies that have similar types of operations in their countries, both with respect to the mining operations and with respect to information gathered and research and science generated.

Mrs. Marland: When the companies establish their safety manuals at their local mining operation with the guidelines for their emergency preparedness and mine rescue procedures, are those guidelines ever co-ordinated with local municipal forces? Is all the emergency preparedness and the mine rescue format totally provided by the company or is it assisted by auxiliary personnel from the local municipal forces?

Mr. Pakalnis: It is a very specialized work that is involved in mine rescue. You need very specialized training in the use of the breathing apparatus for underground work in terms of the workplace. It would be very foreign to someone who has not been underground or is not a miner to undertake rescue work or fight fires underground.

Therefore, while we co-ordinate with fire departments and that sort of thing, at least for the exchange of equipment--they have access to our equipment and we have access to their equipment--the people who are trained to fight fires are trained by us and are very specialized individuals who work in the mining companies as miners or tradespeople. It would be unfair to take someone who has not got that mining background and ask him to do emergency work underground.

Mrs. Marland: Do your staff or your inspectors evaluate the standard of skill and experience that the people within a given company have in order to say whether they can operate? I am talking purely about rescue and emergency preparedness.

Mr. Pakalnis: Yes, we do. In fact, later in my presentation I will be going into the details of how we do that, the individuals involved and our whole program.

Mrs. Marland: OK. Thank you.

Mr. McGuigan: I would like to speak to the question raised by Mr. Wildman. I note article two of the terms of reference does say "risk of death and injury in the workplace" which we could easily interpret to also mean the health risks.

It strikes me, though, that the main reason for calling this committee was the striking graph that we were presented with yesterday showing the fatalities going up. They had gone down back in the 1960s and 1970s and then went up about 1975 or 1976. I think that was in the minds of a lot of us as the reason for this job we have undertaken.

The only reservation I have about including the health aspect is the matter of time and whether we can cover it. From the government's side, I do not think we would want to make a distinction that health is any less important than the other. If it can be worked in, that is fine with us.

Mr. Chairman: It might be helpful to the committee if we had a chart on illnesses the way there is a chart on accidents, so there could be some kind of comparison. I do not know who would have that, perhaps the Workers' Compensation Board, perhaps the occupational health and safety branch, but that would be helpful.

Mr. Millard: We have that sort of statistical information and we can co-ordinate that with the WCB, if you would like to have the WCB present that on Tuesday afternoon.

Mr. Chairman: OK. Thank you.

Mr. McGuigan: I would just hate to see us do half a job on this by trying to work in too much.

Mr. Wiseman: My question is the same as the chairman's. I feel that if we are going to do this in the time of five weeks allotted to us, if we get off on to doing--I felt it was more the accidents rather than the health in relation to the job. If we are going to do that, I honestly cannot see that we would be done in five weeks. It will take us much longer than that if we are going to do a thorough job.

1510

Mr. Chairman: I remind you there is no restriction on time. We set it upon ourselves to have the briefings these two weeks, visit the mine sites a couple of weeks after that and then, if we could get to it, do some writing. That will have to be sorted out.

Mr. Wiseman: We might want to have other people come in to talk to us besides the Occupational Health and Safety Education Authority and the WCB. We may want to bring in some other people who are expert in the field to give us some direction as far as health in relation to the job is concerned.

Mr. Chairman: OK. If there is nothing else, shall we move on?

Mr. Pakalnis: There are a number of mining methods used underground. Some are classified as conventional. You will hear such terms as shrinkage, stoping or cut-and-fill stoping, square-set stoping, undercut-and-fill stoping, room-and-pillar mining and, under bulk mining, methods such as vertical-retreat mining and blast-hole mining. In your package, you have schematics of the various methods. Perhaps I can go over two of them in particular to give you a flavour of the method involves.

In the case of one very prominent method that we use, cut-and-fill mining, you start from the drift underneath and in successive layers or slices of 10 feet or 12 feet, depending on what dimension you want, you drill and blast the rock. By means of mechanized equipment or some other extracting device, you place the broken rock through an ore-pass system to the level below, where the ore is placed in ore cars much like railway cars. This is transported to the main ore passes, where it is ends up at the bottom of the shaft and is subsequently transported to the surface.

In terms of the cut-and-fill operation, you have two sections showing two ways of breaking that rock. The horizontal drilling on the right-hand side indicates that you drill horizontal holes about six to eight feet in length and break the rock downward and essentially excavate eight to 12 feet on any particular blast. You keep mining in that fashion until you have mined out

that entire section of ore, which might be some 200 or 300 feet in length. After that you would backfill, using a mixture of the tailings that you would get from your milling and concentrating operations and, in some cases, with an addition of some cement, one part of cement to about 30 parts of tailings.

Once you have filled that particular cut, then you would go again and start repeating this operation. You would go from the bottom to the top in successive 10-foot slices. On each one of those slices, as you are mining, you have to support the rock above your head. You do that by means of rock bolting and screening or just rock bolting. So you have an active roof to concern yourself with on each slice.

Mr. Chairman: Perhaps you would explain that rock bolting process to the members.

Mr. Pakalnis: The rock bolting process? Paavo, can you illustrate it on your diagram there?

Mr. Kivisto: What the mine crews will do is they will drill a hole into the roof of the stope, as I am showing here, and they will install a rock bolt in that hole. A rock bolt is basically a long bolt with an anchor on it. What it does is it creates an anchorage point here with a bolt through it, and a plate and screen on the bottom in some cases, to hold the loose rock that may form on the back and create a solid affair over the workers.

Mr. Chairman: The reason I mentioned that is, I think it is safe to say that is the number one cause of fatalities underground, is it not, the roof falling in on the people who are working down there, drilling?

Mr. Pakalnis: Falls are one of the top killers, yes.

Mrs. Marland: So they have to drill the hole for the bolt?

Mr. Pakalnis: They have to scale the rock so that it is stable in the short term. Once they scale it and sound it by thumping with a steel bar to ensure that it is stable, then they drill the hole and secure it for the longer term. That act of scaling and bolting is definitely a hazardous part of the operation, particularly the scaling.

Mr. Chairman: It is still relatively primitive as a mining operation.

Mr. Pakalnis: Nobody has dreamed up any better method of scaling.

Mr. Chairman: No, I understand that. I am just saying it is.

Mr. Pakalnis: We sure are working on it, though, because obviously that particular aspect of trying to determine whether something is stable or not, using the scaling bar--as you said, it might appear a bit primitive, but there is no better way at this point.

Mrs. Marland: The securing point is the plate, and the plate cannot be any bigger than the hole that the bolt goes through.

Interjection: That is right.

Mr. McGuigan: The real danger is that if the bolt is eight feet long, at nine feet or 10 feet there might be a crack, and so you are really not bolting into anything secure; that is where your problems come in.

Mr. Pakalnis: You do necessarily have to hit all of the cracks that happen above your back if you can bridge across to the walls. It is very much like an ordinary bridge, essentially. If you can secure that six feet of rock such that it acts as a beam, then whatever is above it will not matter.

Mr. McGuigan: It acts as a truss.

Mr. Pakalnis: That is right. The whole area of ground support is very much a science in its infancy. We do have a lot of information concerning designs, the use of various different types of bolts in different types of ground. Some ground is very highly stressed, and we will get into that later, where the stress comes from. Other ground is very broken up, fractured. You need different types of bolting designs to accommodate these different types of rock.

Also, the size of the openings--in this particular case, you can see a stope here that is maybe 30 feet wide. You might alter the designs if you had a shorter or thinner vein, and you certainly would alter it if you had a very much wider stopping area.

1520

Perhaps we can go on to the next slide. This is an illustration of blast-hole mining, which is a bulk mining method that some of you referred to earlier. It is a method that was designed and first used in the Sudbury mines and is used throughout the world now because of its high productivity.

Inherently, it is a safe mining method. However, there are some points that have to be respected. What you are doing is mining a block of rock that might vary from 100 feet to 200 feet in height, maybe 30 feet to 60 feet in width and some 200 feet to 300 feet in length. You would undercut and overcut the block, then set up a drill at the overcut and drill down, using six-inch-diameter holes or thereabouts, and then--much like in an open pit--blast one row at a time into the lower portion. There would be equipment, including remote-control scooptrams, as indicated, to extract the broken rock. It produces a lot of ore in a very short period of time.

Some of the problems with bulk mining methods are that, since you are creating these large openings in a very short period of time, mine design is that much more critical. Blast vibration is much more critical because of the amounts of explosives that are used in any one time.

We do have a study on bulk mining; we are consulting on it with labour and management. In fact, next week we are meeting with the mining research directorate and the Mines Accident Prevention Association to further review what research work we can do in bulk mining techniques, because it is a concern to all of us.

Mr. Wildman: Is the main concern that you now have a large opening without as many supports as you might have had in the past?

Mr. Pakalnis: You would have a large opening that has to be created in a very short period of time, and you would have to design the pillars to accommodate this different mining dimension.

Mr. Wildman: So that is when you have the suggestion made that perhaps that might be a contributing factor to rockbursts?

Mr. Pakalnis: Yes, except that, frankly, rockbursts happen with every method we have. If the design is done poorly, you can surely have very bad rockbursts with bulk mining methods, but that would apply also to cut-and-fill operations--any mining method. The rockburst that happened at Falconbridge and led to the Stevenson inquiry was in fact an undercut-and-fill operation. So you can have rockbursts with any particular method.

Mr. McGuigan: In this particular method, where you have undercut and you have overcut, the only thing that is holding that block of ore up is the side pressures. Is that correct?

Mr. Pakalnis: Correct.

Mr. McGuigan: There are no pillars underneath?

Mr. Pakalnis: No. But the dimension we are talking about here is only about 30 feet to 50 feet across, and it would be self-supporting.

Mr. McGuigan: From the side pressures?

Mr. Pakalnis: Correct.

Mrs. Marland: We are talking about the width of this room against maybe a 100-foot or 200-foot-high end wall then? I am trying to picture it.

Mr. Pakalnis: Sometimes a stope and most of our blast holes are even less than the width of this room.

Mrs. Marland: I see.

Mr. Pakalnis: The support is obviously to the pillars on the walls, and the pillars obviously have to be designed to withstand the loading from the overlying rock.

Somebody asked about the strength of the rocks as compared to concrete. In southern Ontario, typically, rock strengths are about the strength of concrete, 3,000 to 5,000 psi, or pounds per square inch. In northern Ontario, rock strengths are somewhere between 20,000 and 60,000 psi--far, far stronger than any concrete that you would have.

Mr. McGuigan: The strongest concrete you can make is 6,000 psi, I think.

Mr. Pakalnis: That is right. So rock is that much stronger. It is the weaknesses in the rock--fractures and the like--that can lead to instabilities. It is not a homogeneous slab that we have.

Mrs. Marland: I do not think we have decided exactly where we are going, but will we be able to see all these different types of mining?

Mr. Campbell: Mr. Chairman is not here, but maybe I could respond. If you were to go to a typical mining operation, and if you were to spend a time in northern Ontario visiting a number of mines, you would probably see virtually everything except maybe pillar mining. Maybe you would see some worked-out pillar mining, but you would see everything else which is typically in operation today. The bulk mining and cut-and-fill methods are being used in many of the mines, certainly in Sudbury. You would virtually see every sidebar, every sort of subset mining system. It would be very clear to you once you saw it.

It is difficult to deal with in this room, because you are not underground and you are not looking at the massive types of operations you are looking at. I think if you can look at it that way, you will find that it will answer your questions very clearly. It certainly did for me when I was first into this whole situation. I think it would be very clearly demonstrated, and you would be asking people on the site what the questions would be. I think it would be clearly demonstrated.

Mrs. Marland: Is the type of method really related to the type of material? Is that how the decision is made as to what kind of method they will use in a particular mine? Does the type of material dictate the strength of the material?

Mr. Pakalnis: The method is chosen for the type of work, the size--in other words, how thick it is--the strength of the ore itself and the strength of the wall rocks. There are a number of factors that go into choosing one method over another. Some methods will not work because of the rock. For instance, in this particular method, if the ore is not self-supporting--if it is not strong enough to support itself to the walls--then you could not use this method; you would have to use a more conventional method.

The characteristics of the ore and the rock are definitely a major factor in choosing one method over another. The other, of course, is economics. Bulk mining methods are far more efficient than selective mining methods.

Mrs. Marland: That is exactly the point. What you just said is what I was thinking. If the material, the rock and the ore--does the term "ore" apply to whatever the material is?

Mr. Pakalnis: Ore is rock that you can sell at a profit.

Mr. Wildman: Ore is an economic term.

Mrs. Marland: OK. Just very quickly. The point I was making in asking that question was that if the type of environment you are working in, namely, the material that is there, takes a type of method, then there must be a certain degree of safety related to that. However, you just finished by saying that the economics of certain methods also relate to the productivity of that procedure. When you mention the economics, I wonder if that is where sometimes you get a marginal relationship between the economics and the safety.

Mr. Pakalnis: In this particular case, I would say this method is inherently safer than most of our conventional methods. It was designed with not only productivity in mind but also safety. As you see here, you only have two openings; you can properly secure those openings, and you do not have active horizons as often, say, as you do in cut-and-fill mining. You do not have to compromise on safety. In fact, you can have the best of both worlds and have both maximized.

Mrs. Marland: The economics in this case are as good as the safety is. In other words, they both benefit.

Mr. Pakalnis: If the mine design is done properly, I would say so.

Mr. Campbell: Let us clarify this, because I think the question being asked is whether economics enter into it. You probably would not use the bulk mining method where you had a very narrow band of ore, where you could not use this method obviously. You can see by the size relative to the scoop tram, for example, that it is a lot of ore. This may be a nickel mine. But in a gold mine or maybe colbalt or silver mine, you would not find this kind of ore vein and therefore you could not even use it no matter how economical it was, because it just did not relate to the system of mining.

I think I am answering your question a little more of what you are asking on this type of thing. Economics are one thing, but certainly the size of the vein or ore would determine what kind of method you were using, probably the primary reason or the primary way.

Mr. Pakalnis: Perhaps I can give you a case of some of the mining technology and some scenes from underground operations. In your package, you also have some examples of some turn-of-the-century mining techniques, using chisels and hammers. In this case, it portrays a drilling contest. The other scene is of a mule transporting an ore car.

We have evolved to the point that we have some very highly mechanized and very sophisticated equipment underground. Perhaps we can have a few of the slides. This shows a diamond drilling operation on surface in winter. As I said, a difficult access to sites does create an additional problem.

The next one is an open-pit operation showing shovels, trucks, typical of the traffic at a pit bottom; a shovel and a pick showing block E pit wall. The wall height is less than the reach of a shovel. Of course, you want to minimize your wall stability problems to ensure none of the operators is in danger.

The diamond drill underground shows the guards on the feed screws and also it shows the cramped space for drill setups. That is typical of mining operations. Every bit of rock that has to be broken has to be then transported to the surface. Therefore, the size of the openings have to be kept to a minimum.

Mrs. Marland: How large is that apparatus and how does it move?

Mr. Pakalnis: Paavo, have you got some numbers on that?

Mrs. Marland: Is it man height?

Mr. Kivisto: A man would be standing here, for example, and it would be about this high. This is a very heavy unit brought in by a flat car or something like that.

Mrs. Marland: It is hard to see, but is that where the tip of the drill is?

Mr. Kivisto: That is right. We will be drilling a hole in this case into the ground.

Mrs. Marland: How is it propelled? Not the drill, but the whole apparatus?

Mr. Kivisto: You have various drills, some operated by air power. The air goes in through here (inaudible).

Mrs. Marland: Right. Then when you want to move this further out, how is it moved along?

Mr. Kivisto: This is just gliding along and hoisted by lifting devices. They can be propped up with (inaudible).

Mr. Chairman: Perhaps he could explain how deep a diamond drill can go.

Mr. Palaknis: Thousands of feet.

Mr. Chairman: The reason I asked that question is that I had a constituent a few years ago who went down to his basement one morning and there was a hole in the floor of his basement. He was phoning to tell me how thankful he was he had not slept on the floor of his basement that night. Of course, Inco denied it was their drill, but they thought it was a fault in the rock.

Mrs. Marland: What do you mean?

Mr. Chairman: I had better let somebody else explain it.

Mr. Pakalnis: The diamond drill stem can extend thousands of feet, yes.

Interjection.

Mr. Pakalnis: That is right. If you do not correct for the deflection, you can have diamond drill rods that eventually curve and deflect upward and hit surface. Rather than drilling down, you are curving up to the surface.

Mrs. Marland: And is the drill bit itself water-cooled?

Mr. Pakalnis: Correct. Water cools the diamonds on the end of the bit.

Mrs. Marland: The same as the dentist's drill.

Mr. Pakalnis: Very similar, yes.

Mr. Wildman: This is root canal.

Mr. Pakalnis: I will be showing you a better shot of the screen and the bolting so that you can see what that looks like.

The next slide is a drill jumbo with fall-on protection and it is used for drilling during mine development. Each one of those booms has a drill that would be drilling horizontal holes. This scene does not have any screening, but they would be bolting. If you can show the various bolts, you can see the plates.

Mr. McGuigan: The operator there is a bit back from the face, which must give him a little bit of safety.

Mr. Pakalnis: Correct.

Mr. McGuigan: What about the people drilling holes in the ceiling? Are they back away from it?

Mr. Pakalnis: No. In fact, when you are drilling for the rock bolts in a conventional stope, you would be standing immediately below it.

Mr. Miller: Is there no machine to do that, similar to that only offset?

Mr. Pakalnis: We do have some stopes that have the rock-bolting equipment that is at some distance from the operator, yes. It is newer technology, though. That really does not apply in all cases. As I think Mr. Sterling mentioned, there are some stopes that are sometimes very small. The vein is only maybe two feet.

Mr. Chairman: Mr. Campbell.

Mr. Pakalnis: I am sorry. Mr. Campbell.

Mr. Campbell: It is all right. In fact, there has been a confusion between Mr. Sterling and Mr. Sterling Campbell, so it is all right.

Mr. Wiseman: Is it typical to have that kind of water around the wheels of the machine? It looks to be fairly deep there.

Mr. Pakalnis: No. We are not talking any more than maybe a foot, but there are areas underground that are quite wet, depending on whether you are in a filling cycle. For instance, if this were in an area where you would be filling above, the backfill is delivered at perhaps 80 per cent pulp density, so 20 per cent or even up to 30 per cent is water. That water then has to be decanted off and somehow find its way through into the pumping system. You will have wet conditions underground. That is not untypical.

Next is an in-the-hole drill which was designed and developed in Ontario and used essentially around the world. It permits drilling of larger holes, four to eight inches in diameter, to depths of 100 metres. This is the type of equipment that is used for bulk mining.

This is a load haul dump vehicle, which is called a scoop tram, which you will find in many mines. In this case, it is diesel-powered and it is used to remove blasted rock either from draw points underneath these chutes that we mentioned or in stopes themselves to take the blasted rock over to a chute.

Mr. Wildman: Is one of the hazards diesel fumes?

Mr. Pakalnis: One of the hazards could be diesel fumes. We have spent quite a bit of money in terms of diesel emission studies, in fact, \$6.7 million worth of research in that area to design a filter called a Corning filter that would ensure that the diesel fumes are not toxic to the workers.

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Mrs. Marland: What are the other things hanging down from the roof there?

Mr. Pakalnis: Those are chains that would delineate where the dump point is. There would be a chute beyond that point. It is a visual indication so that the operator does not take his machine any further than those particular chains.

Mr. Wildman: I notice he does not have any overhead protection on that scoop tram. Was that not one of the recommendations of one of the inquiries into occupational safety in the mines?

Mr. Pakalnis: Yes, the Stevenson report. We do have a regulation that will call for it in new mines and we can discuss that perhaps later. I can mention it now as well.

Mr. Wildman: That is an argument that is used in some mines, that they cannot have overhead protection on the machinery because it would be difficult. It is not high enough in the drift or they would not be able to bring in the electrical wires, cords and so on because they are not high enough.

Mr. Pakalnis: Yes. Regulation 66a that was just passed this past June does talk to the question of falling object protection. There is a debate within the mining industry in terms of the design of these falling object protection devices. If they are built properly, they can protect workers from smaller pieces of rock falling. We found that with a lot of the falls, if it exceeds the capacity of these canopies, there is just no way. It would be a false sense of security. Some people have advanced the idea that if we concentrate just on putting falling object protection on vehicles, then the people who are walking will not be as adequately protected because the miners will not take as much care in screening and bolting.

I do not think that would be the case. We are trying to introduce the falling object protection as standard equipment and it will be done over time now that it is required for new mines.

This is a scene from the mine that you might be visiting tomorrow, a Goderich mine. You can see the stoping dimensions here, some 35 feet up, fillers on either side. This is a room and pillar operation. That is salt on either side.

Mr. Miller: How thick a seam is the salt?

Mr. Pakalnis: The salt is deposited in layers just like gypsum would be. You would mine out that layer and you would leave pillars.

Mr. Chairman: Pillars of salt.

Mr. Pakalnis: This is a modern hoist room showing a drum hoist with--

Mr. Chairman: Can you stop for a question?

Ms. Luski: With respect to the fall-on protection regulation in the act, regulation 66a.-(1)(b), does that provision apply to existing mines?

Mr. Pakalnis: It applies to existing mines, correct.

Ms. Luski: OK. Thank you.

Mr. Pakalnis: This particular hoist is located over top of the deepest shaft in Ontario, which is 7,200 feet. If you can imagine an elevator in a building that is that tall, that is what we contend with. The inspections of these elevating devices is done by the mining health and safety branch. I will be talking about the wire-rope testing that we perform for our mines by statute and also for other provinces since we are the only facility that tests wire-rope in Canada.

Mrs. Marland: Are you saying you are testing 100 without it being stepped?

Mr. Pakalnis: Without it being stepped. That is continuous rope.

Mrs. Marland: My goodness.

Interjection.

Mrs. Marland: I know. I fly. I know what 7,200 feet looks like.

Mr. Chairman: I understand you will move the testing to Sudbury.

Mr. Pakalnis: That is correct.

Mr. Chairman: Good move.

Mr. Millard: Mr. Chairman, members will hear reference to wire-rope. Some of us who are not engineers would call it cable.

Mr. Pakalnis: The last two slides are from a smelter. In this case, this is nickel-copper mat that is being charged into a converter in a smelter. Of course, the converters are used to purify the metals by removing the impurities with the slag.

Mr. Wildman: Is that a man standing there underneath the big bucket?

Mr. Pakalnis: Not a chance.

Mr. Wildman: I cannot make it out. What is that, that blue thing?

Mr. Pakalnis: It would not be a man.

Mr. Wildman: I would hope not.

Mr. Millard: We cannot tell you what it is; we can tell you what it is not. It is not a person.

Mr. Pakalnis: The last slide shows a worker wearing protective clothing while using an oxygen lance in a smelter.

Mr. Chairman: Do you take any pictures of the workers in the Falconbridge refinery?

Mr. Pakalnis: Not this time round.

Mr. Pakalnis: I would like to look at the physical environment as the last slide in this part of the presentation and then I will go on to the next section. Obviously, it is dark down there. All the lighting we have is artificial and certainly it is a concern to us, and I will be discussing some of the initiatives we have taken in lighting under the engineering and enforcement categories.

We have space limitations in terms of the openings having to be kept at a minimum size. This can cause congestion and pedestrian hazards due to mobile equipment.

In terms of the ventilation, it is a totally artificial environment. All the air has to be constantly pumped down to ensure toxic or explosive dusts are cleared and that oxygen deficiencies do not arise.

The rock stress increases with depth. Additionally, you have various continental so-called tectonic stresses that load up and cause high horizontal pressures. You also have the stresses because of the openings themselves. If the rock stress exceeds its strength, the rock fails. If it fails violently or suddenly, you have a rockburst, akin to an earthquake. Otherwise, if it fails as it should and which is more common, you have to ensure that you have some support systems to carry the load so that the rock is self-supporting to avoid falls of ground.

The geological structure is uneven; it is unpredictable. The rock strengths, of course, are variable, and the location of the openings has to be determined by the location of the ore.

Finally, man's ability to control nature is imperfect. There is a limit to our science and that is why, I am sure, there is such an interest in ground control and research. There is much to be done in that area.

That completes my overview.

Mr. Wildman: In the area of ventilation, what has replaced the canary?

Mr. Pakalnis: We have methanometers, various Draeger tubes, various sensing devices to determine whether there is methane in the atmosphere.

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Mrs. Marland: This morning I asked about breathing apparatus and air tanks; are they routine equipment in certain types of mining or are they routine equipment at certain stages of opening a new stope?

Mr. Pakalnis: Mine rescue workers would be using this equipment, but normally workers do not wear breathing apparatus to do their work. They have ventilated atmospheres to perform their work.

Mrs. Marland: Right, but if the miners are working in one particular stope and an accident happens--there is a rockburst and they are cut off--are there always tanks for them within easy access within a given area so that they can access air if there is rockfall or a rockburst?

Mr. Pakalnis: You have air supplied through the mine system, because most of our equipment underground, the drills, a lot of the ore removal equipment and all that, is air-powered. Therefore, you would have air feeding through the pipes. Other than that, we would not store oxygen or that sort of equipment in the stopes.

Mrs. Marland: It is not needed, because if their egress or access was closed off by a rockfall, there would always be tubing available somewhere already there from which they could get air. Is that it?

Mr. Pakalnis: Yes. Normally the air does not become toxic that quickly, and if they are trapped for a day or two, the air would not be so toxic as to affect them. Normally there would be some flow; if there is a

rockfall, you would never have the opening completely closed off. There would be some space that would permit some circulation of air.

Mrs. Marland: That is not a risk or a hazard then?

Mr. Pakalnis: Not really.

Mrs. Marland: OK. Thank you.

Mr. Wildman: There are monitoring devices for methane gas and so on. Also, do gold mines as well as uranium mines have monitoring devices for various types of radiation?

Mr. Pakalnis: You are probably referring to radon in nonuranium mines, which is a subject that is currently before the Mining Legislative Review Committee. In certain areas, we could have high concentrations of radon daughters, and normally what is done, to this point on a volunteer basis, is that the companies would clear this air by better ventilation and would monitor to ensure that it does not go over some maximum acceptable level.

In addition to that, we are presently considering, through the tripartite group with labour and management, a regulation to regulate radon daughters in nonuranium mines. That should be in front of the committee in February.

Mr. Chairman: The committee members will know that I mentioned earlier we were trying to arrange a trip tomorrow to Goderich, to the salt mine. It is not the fault of the people at the salt mine or the Ontario Mining Association who were trying to arrange the meeting. It was just too short notice and things did not come together.

However, sometimes these things have a way of working out for the best, because it is obvious that Mr. Pakalnis is not going to finish his presentation with Mr. Millard this afternoon, so I would suggest to the committee that we finish. We were just about to move into a major area called "Rules and Responsibilities of Mining Safety," and it would be my suggestion that we stop now and finish off the presentation from the Ministry of Labour tomorrow, if that is suitable to the committee.

You have given us a good look at the mining and I think the committee really appreciated what you did this afternoon. Those slides were extremely helpful. We appreciate that very much.

Tomorrow, if you can join us at 10 a.m., we will complete the rest of your presentation. Thank you very much.

Mr. Millard: I would like to thank you, Mr. Chairman. I think it does indicate the complexity of understanding working in a different medium, working underground. When we designed the presentation, we designed it to take about an hour, and the questions that we asked were questions of people, unfortunately, who are familiar with mining. So it outlines the complexity.

With respect to the tack that we have taken, we thought it was important to provide that contextual understanding of what mining is about so that we could then address what it is we try to do in response to that in our role.

With respect to your question about a fair assessment of our mindset, it may be fair; I do not think it is right. I do not think we have that mindset.

We have taken the approach to this with respect to traumatic injury and traumatic accidents and fatalities as a result of that increase in the number of traumatic fatalities over the past year and also by the terms of reference, but if the chair and the committee are of a mind that that is to be broadened, then I think we can assure you we have a mindset that includes both of those as very high priorities and we will bring that information forward, if that is the wish of the committee.

Mr. McGuigan: As a matter of curiosity, I visited a mine, I think it was at Cobalt, where for a fee they took you through this old mine and showed you the old methods. I thought it was quite interesting. They mentioned the contest they used to hold. The one guy turns the drill while the other one sledges it. I wonder how many of those fellows ended up with all their fingers.

It says here about the mule skinner, and being an old horseman, did you see the little note that says, "Low chute lips meant that the skinner had to ride the tail chain?" I can see that. "Usually, the mule cuts into a cross-cut and the loaded tram runs into the shaft. For this reason, the skinner had to be fast of foot and agile." Do you know what they are talking about there, just as a matter of personal curiosity?

Mr. Pakalnis: The idea here is that the ore cars have to be pushed into the shaft. In the older methods, the ore car was in fact wheeled right into the conveyance and hoisted to the surface. Obviously, the horse cannot be in front of the ore car when it is going into the shaft, so therefore, he had to peel off and it would detach automatically.

Mr. McGuigan: While the ore car was still moving.

Mr. Pakalnis: While the ore car was still moving towards the shaft. The mule skinner had to detach the mule so he can take off into the cross-cut while the ore cars kept rolling towards the shaft.

Mr. McGuigan: If he misses, he loses a leg or something.

Mr. Pakalnis: Yes. Times have changed.

Mr. Chairman: If there are no more questions, the committee stands adjourned until 10 tomorrow morning.

The committee adjourned at 3:57 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

THURSDAY, JANUARY 21, 1988



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Witnesses:

From the Ministry of Labour:

Pakalnis, Vic, Director, Mining Health and Safety Branch

Lazurko, J. J., Chief Electrical/Mechanical Engineer, Mining Health and Safety
Office, Sudbury

Gladstone, Arthur, Executive Director, Operations, Occupational Health and
Safety

Brady, Allin, Working Environment Inspector, Mining Health and Safety Branch

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday, January 21, 1988

The committee met at 10:13 a.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: We are this morning continuing our look at the problem of accidents and fatalities in Ontario mines. We have with us Mr. Pakalnis, who is the director of the Ontario mining health and safety branch of the Ministry of Labour. He is going to continue what he had only begun yesterday afternoon.

Mr. Pakalnis, welcome back to the committee.

Mr. Pakalnis: Thank you, Mr. Chairman. To my left is Arthur Gladstone, the executive director of the occupational health and safety division. He will be replacing Mr. Millard for this morning.

Mr. Chairman: Is he your boss?

Mr. Pakalnis: Yes.

Mr. Chairman: OK. I was just wondering whether to capitalize his name.

Mr. Pakalnis: We are now going to turn to roles and responsibilities for mining safety, to give you a brief look at how work is organized in the mining industry and the various agencies, committees, groups and people that are stakeholders in the area of mining health and safety.

As you were told, the concept of the chain of responsibility or internal responsibility system was coined by Dr. James Ham and his commission. Essentially, it relates to the chain of responsibility that proceeds from the workplace. The responsibility for health and safety in the workplace proceeds through a direct line of responsibility from the worker, through the supervisor, various levels of management, such as mine superintendent and mine manager, eventually to the chief executive officer of the company, the president. That is the direct chain of responsibility for health and safety in the workplace.

Having contributory responsibilities are internal and external groups. Internally, you would have such organizations as the joint health and safety committees established under the act, safety departments, engineering departments, purchasing departments and other groups within a company. External to the company you would have the unions, the Mines Accident Prevention Association of Ontario, the suppliers of the equipment that is used and, of course, the Ministry of Labour. It is important to know who has direct responsibility and who had indirect or contributory responsibility.

If you look at the larger group of people who are involved in mining health and safety, some of whom are going to be appearing in front of you, going from the left, we have various labour organizations which take a very

active role in occupational health and safety, principally the United Steelworkers of America, the Mine, Mill and Smelter Workers, the Confederation of National Trade Unions, the Canadian Auto Workers and the Energy and Chemical Workers Union.

Next you have the Workers' Compensation Board, the political process workers and the Ontario Mining Association, which represents the majority of mining companies in the province, but not all. There are various technical societies, such as the Canadian Institute for Mining and Metallurgy, and various professional societies as well. You heard of the Ontario Research Directorate in Mr. Tieman's presentation. This was set up as a result of the Stevenson inquiry to co-ordinate research in this province, principally in the area of ground control. Then you have the Mines Accident Prevention Association of Ontario.

The federal government, through Canmet, the Canada Centre for Mineral and Energy Technology headquartered in Ottawa, is responsible for doing research on a national basis and, I understand, will be making a presentation to you at some point. The media have an interest, the Ontario Federation of Labour, the Atomic Energy Control Board because of its interest in Elliot Lake and its jurisdiction related to the uranium mines, and of course, the Ontario mining companies.

1020

Mr. McGuigan: In this slide you show the worker as one of several people who have a stake in this, but on the previous slide you showed the workplace as the starting point. Are you saying the workplace or the worker is primarily responsible?

Mr. Pakalnis: In the first slide, I was describing the chain of responsibility for health and safety in the workplace. Whatever happens in that workplace, whether it is the techniques that are used, the quality control that is exercised, the rhythm of the work that is done, essentially any of the work performed in a workplace proceeds through that chain of responsibility.

The worker being right on the front lines obviously has responsibility to use the tools and to exercise his judgement in terms of the ground control and all the hazards involved. The supervisor has responsibility to ensure that groups of workers are assigned proper equipment and directed to do the work in an organized fashion, and on through to the president who has, of course, responsibility to ensure that his company has proper health and safety policies and that safety is never compromised.

The second slide was the agencies and groups of people who are interested in this subject of mining health and safety and who could be accessed as well by this committee if you so choose. There is one group I have left out that should also be on this. That is a recently formed group called Municipal Inspectors Training and Education Council. MITEC is the research arm of the Canadian Mining Association. They perform a co-ordinating role with respect to research in Canada.

You showed some interest yesterday in what levels of research we have in terms of dollars, and I did call the organization. They had some ball-park figures, somewhere around \$60 million to \$70 million of research, which represents about half a per cent of output from the mining industry. That is a low figure. The national target is one and one half per cent. Many other

countries, of course, are a lot higher, and I think this whole area of research sure deserves attention. That is a group I have not put on that chart that might also be accessed.

If I can go on to the chronology of legislation and incidences, I will just point out a couple here. I was comparing this chart to the one you were presented with earlier, and there are a few dates that I will put into my final one that I have got from Mr. Tieman.

The earliest legislation we found was the 1890 Mining Operations Act. The Mining Act with the current concept of mine safety inspection and engineering was passed in 1919. In 1928, there was a fire at the Hollinger mine that killed 39 workers. That particular incident initiated mine rescue in the province. At that fire we had to use US Bureau of Mines mine rescue teams. In 1945, there was the Paymaster accident where 16 workers died, and as a result of an inquiry then, wire rope testing was initiated. That accident happened when a cage or conveyance detached from the rope and fell to the bottom and 16 workers died.

Mr. Chairman: Why do they call it Paymaster?

Mr. Pakalnis: It was the Paymaster mine.

Mr. Chairman: I see.

Mr. Pakalnis: In 1976, the Ham commission led to the mines engineering branch of the Ministry of Natural Resources being transferred to the Ministry of Labour. In 1979, the Occupational Health and Safety Act and the regulations for mines and mining plants were proclaimed. Between 1980 and 1987, various revisions to the regulations for mines and mining plants were made and deal with a number of subjects, some of which were ground control, underground lighting, training, explosives, fall arrest systems and others.

I will be dealing with the mechanisms we have for making revisions to the regulations.

Mr. Wiseman: While we are on the subject of the Hollinger fire and mine rescue, do you or the other sister parts of your ministry have a group of people who could be sent out to a particular mine if there was a cave-in or something like that, or does each mine itself have people in there who are trained or take some training in mine rescue?

We hear of fires that get started in wells and that sort of thing, and there are specialists who are sent from different parts of the world to put them out. It seems to me that would require real expertise and maybe not every mine could provide that expertise, but the ministry or the occupational health and safety branch could, to send out to respond to a situation like that.

Mr. Pakalnis: We have experts within the mining health and safety branch, and I will be describing the whole mine rescue organization because that is a significant portion of a section that will follow. But yes, we do have experts in that area and we do provide training and specialized equipment for those fires. That was as a result of this particular fire. In fact, mine rescue in Canada started because of that incident. I will be describing also the technology involved, which is quite substantial.

Mr. McGuigan: When we think of mines where there are fires, cave-ins and so forth, I guess most of us think in terms of coal mines where those

things are prevalent. In a modern, hard-rock mine, you would not have a great deal of timber or burnable materials or cave-ins. Accidents are more a case of a large chunk of rock falling down on workers and directly crushing them, rather than trapping them. I wonder if you could give us an overview of the type of accident that is more prevalent.

Mr. Pakalnis: I will be going into more detail with some statistics in terms of where the accidents are happening. Falls to ground are a major cause but so is transportation, accidents related to motor vehicles, people being run over or crushed or--

Mr. McGuigan: Fires would be involved there too.

Mr. Pakalnis: We have had fires, quite a few every year. The fires result from, say, a scooptram catching fire. There is still a lot of combustible material underground. Diesel fuel is flammable and there is a considerable amount of other materials underground that are flammable and fires are quite serious. It is much like being in a chimney when you are fighting one of these fires. There is nowhere to run, there are no windows to open or what have you. You have to head right through the area where the fire is. If you do not put it out very quickly, and if you do not have a very disciplined crew doing it, it can lead to disasters. We have never lost a mine rescue worker yet fighting fires, and that is quite unusual for the number of fires we have fought.

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Under section 27, we have all fires and floods, intrushes, cave-ins, rockbursts, essentially any unusual occurrence reported to us and investigated. In the case of mine fires, and I will go into it in greater detail, we do have mine rescue officers who go off to the mine to provide expert advice and maintenance to the equipment used in the fighting of these fires.

In terms of which particular accidents are the most prevalent in fatalities, transportation and ground control or falls-of-ground type of accidents are the number one or number two in any period of time. I will go through the whole range of accidents and where they place in terms of their frequency.

Mr. Miller: Is there more than one exit in a mine? Is that mandatory, or is there just one main shaft?

Mr. Pakalnis: There is always a secondary means of exit, either a manway system or a second shaft. In a lot of the larger mining operations, you might even have four or five shafts that would be either for ventilation or for production, to provide more access and provide you with means of egress. It is normal to have at least one. As soon as you get through the development stage, there is a requirement in the regulation to have a secondary means of exit.

Mr. Leone: What does FOP stand for?

Mr. Pakalnis: Falling object protection, FOP.

The legislation is the Occupational Health and Safety Act. It provides the right to participate, the right to know, the right to refuse and specifies the assignment of duties and responsibilities for workers, supervisors,

employers, others. I believe you have all been given copies of the regulations for mines and mining plants. They contain 282 sections that are revised from time to time and we will go through the revision process and how that is done in a section that will follow.

The uranium mines in the Elliot Lake area, because there are only two at this point, are covered by the Atomic Energy Control Act. However, on June 30, 1984, regulations were made under the Atomic Energy Control Act which adopted the Ontario Occupational Health and Safety Act and our regulations. The federal cabinet adopts various regulation revisions as we make them in our mines. Therefore, while the jurisdiction is federal, the administration and enforcement of conventional health and safety is done by the Ministry of Labour as agents for the Atomic Energy Control Board and we are paid for that service.

I can go now to the mining health and safety branch and give you an overview of what we are all about. Our mission, first, is to reduce the risk of death or injury to workers in the Ontario mining industry. To do this, we have a number of programs and a group of people who are distributed throughout the province close to where the mining operations are.

The organizational chart in detail is contained in your package, but conceptually there are two arms.

The field operations are on one side, and the various area offices are located in Sudbury, Thunder Bay, Elliot Lake, London and Timmins. We have two other smaller district offices that would report to these area offices, one in Kingston and the other in Kirkland Lake. The area engineers in these various offices report through the chief engineer, operations, Ed Mitchell, who was introduced yesterday.

The technical support side of our organization has specialists in these areas: ground control, mine rescue, general mining, electrical-mechanical, working environment, and we have a wire rope testing facility located here in Toronto which will be moved to Sudbury in the future. That is essentially the organization.

As far as the staffing in the organization is concerned, we have 11 in the head office and 47 in the field inspectorate. The field inspectorate also specializes in various areas.

As I hope you appreciate now, mining is technically very complex and it is very difficult for one person to have the full range of expertise in all areas. Therefore, we have specialists in our inspectors, in our district engineers located in the field.

The breakdown there is three specialties. One group of inspectors specialize in the occupational health issues. These are called working environment inspectors and they would be knowledgeable and expert in the use of monitoring equipment and being able to deal with the regulations that relate to ventilation underground.

Mr. Chairman: Excuse me, the mining health and safety branch is one of what, three branches?

Mr. Pakalnis: The mining health and safety branch is one of many branches, but there are three line branches: construction, industrial and mining.

Mr. Chairman: Is the complement of people in each one similar?

Mr. Pakalnis: We are the smallest of the three. We will be providing you with that in just a minute.

The other branches within the ministry act as support to the line branches. We have the occupational health and safety support branch, which has doctors, medical consultants, occupational health nurses, hygienists, who could come in as a service to us.

Mr. Chairman: They would serve all three of these?

Mr. Pakalnis: They would serve all three line branches.

We also have a division training unit that would come in to help in training our people. We have a policy and regulations branch that would gather information on which decisions are made. We have a health studies group that would look at various epidemiological studies, either in-house or by contract. So there is a number of support groups in addition to those three line branches.

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As I was saying, there are three specialist inspectors in working environment and in electrical-mechanical. The electrical-mechanical inspectors would be looking at such things as the hoisting systems that I talked to you about. The mines are unique in the sense that we inspect everything on mining property. In other buildings the Ministry of Consumer and Commercial Relations would inspect elevators, for instance, and elevating devices. In the mines, the subject is very complex and the types of hoisting plants that we are talking about are way in excess of anything that you would see in any of these buildings. Therefore, we have to have specialized inspectorate and we have electrical-mechanical inspectors and engineers who would work at these.

Other areas that they would inspect are electrical facilities. Ontario Hydro inspects the substation on surface. Everything from that substation down is the responsibility of the mining health and safety branch. So we have expert electrical engineers and also inspectors.

Mr. Miller: Do these inspectors have practical experience too?

Mr. Pakalnis: Every one of them.

Mr. Miller: Before they are taken on the job?

Mr. Pakalnis: We would never hire an inspector who did not have the practical experience as well, because even the personal safety of that inspector would be jeopardized if he were not familiar with the underground environment. Our inspectors have experience in industry and also some technical qualifications from a community college and a lot of them have their papers in terms of electricians or mechanics and that sort of thing. The engineers, of course, would be all professional engineers.

The last category would be the mining specialists and they would be people who would look into blasting, drilling, the way the work is organized, rock bolting, all of the other parts of the operation that do not fall under electrical-mechanical and working environment.

Mr. Wiseman: I have a brief question on two things. I guess there is more wear and tear on an elevator in the shaft than there is on the ordinary elevator, and they have to be tested regularly and a little slip put up. How often does a person inspect those underground to make sure? Is it done twice as often as the ones above ground? How often are they tested to make sure they are safe?

Mr. Pakalnis: Perhaps if I could, for the frequency, I will call on the chief electrical-mechanical engineer, Jerry Lazurko, who will describe what controls we have on testing hoisting plants.

Mr. Wiseman: Just while he is coming, we have heard of the sinking of shafts to start a mine or to see what is down there. Would they come under the same regulation when the contractor comes in to sink the shaft? That is where we have heard a lot of the serious accidents occur. Would you be called in to inspect those?

Mr. Pakalnis: I will go through the whole process. We essentially start at the beginning, at the design stage, where the companies have to submit their designs for predevelopment review. We look at the designs before any operation starts to see if they are in compliance with the regulations.

Mr. Wiseman: Does that apply to the general contractors that we have heard about, who goes in and does this preliminary work?

Mr. Pakalnis: That is correct. All contractors or mining companies, regardless, have to comply with these regulations. We have specific regulations that apply to shaft sinking and then to production hoisting, but we do control both of these groups.

Mr. Lazurko: We have fairly specific statements and requirements on the inspection process in the regulations covering hoisting. There is a requirement for daily inspections not by ourselves, but by the workplace people. The operator of the hoist is obligated to do routine inspections before he moves the hoist; things like testing the brakes. He would start the day by testing certain things; testing his limits of control and making sure that those things are operating. There is daily, weekly and monthly checking. The longer the time frame, the more in-depth the inspection is.

The regulations prescribe for the maintenance of records of these things, so when a worker--say the hoist operator--does an inspection he is obligated to report that in a formalized manner in a logbook. Our inspectors check those logbooks when they go around to make sure the entries are there and to make sure that if there is a problem identified, there is a correction indicated as well, so that there is just not an entry that something is wrong but there is no correction. It is a fairly formalized requirement. As far as I am concerned, our inspectors are pretty strict in that area.

The shaft sinkers, as Vic said, are obligated to come in and supply us information, and certainly we get out to those people very often, more than the normal operators.

Mr. Wiseman: I guess that would be the same pretty well in any elevator. The maintenance man in a building would be required to do certain things, even for Consumer and Commercial Relations. Is there a general checkup of everything by someone from your department to make sure that all these things that are in the book have been done and that it is safe? The production is such that you want to get it out and maybe the cable or something needs to

be replaced after a certain length of time. They may push it a little to get that done.

Mr. Lazurko: Again, there are specific requirements for, let us say, testing of those hoisting ropes. The regulation is very specific and we expect samples of that rope from the end to be shipped into our test lab for routine tests.

Mr. Wiseman: The reason I am asking this is it seems that a lot of the serious accidents start around that time and around the shafts and if we are following all those to the letter of the law, why in the dickens are the serious accidents happening at the beginning or when they are sinking the shaft or whatever? Are we missing some link that could be tightened up?

Mr. Pakalnis: There has to be a distinction drawn from the operation of those conveyances and the hoisting cables, the quality of the linkages and that sort of thing, to the activity that happens around the shaft or in the act of sinking the shaft. For instance, you have unstable ground conditions that can happen when you are sinking that shaft, but that has nothing to do with the hoisting regulations or the inspection of that part of it. We will deal with the ground control aspects later in the presentation.

On the hoisting part, the analogy between an elevator in a building and an elevator, or what we call a cage or a skip--the conveyance that we use in the mines--first of all, we require the companies to do the inspections and keep in logbooks the records that are prescribed by the ministry. We sell these logbooks and ensure that they are filled out and we check on those inspections. Our electrical-mechanical inspectors check to ensure that all of that is done.

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The rope testing is not required for conventional buildings. In our case it is required, and it is a requirement by statute in our regulations. If we see that the rope is starting to deteriorate, we would in fact ensure that it is taken off, and we are talking about hundreds of thousands of dollars here in terms of that decision when it is made.

The other aspect is nondestructive testing. In between the physical breaking of those ropes, there is also nondestructive testing to detect any changes in the strength of the cable and--

Interjection: Through its length.

Mr. Pakalnis: Through its length.

Mr. Wiseman: You mentioned bringing in their engineering report to show how they are going to sink the shaft, the whole bit, into the office for approval.

Mr. Pakalnis: Yes.

Mr. Wiseman: When they actually go out to sink it, is there someone who goes out to make sure that what you have seen back in the office as far as plans are concerned is actually what takes place where they are sinking that new shaft, particularly when we heard there were about 1,200 who maybe have not done an active mine but have a licence to go out and try to find one. I am just trying to get a handle on at what stage we are running into these accidents.

Mr. Pakalnis: Well, we will review where these accidents are happening, but in the case of shaft sinkers, normally when a design is submitted, it is not just sent in. In a lot of cases, their engineers would come down to speak with our engineers. When our people review these drawings for compliance, in a lot of cases you see hazards that can be engineered out, and we would point these things out and in discussions ensure that, to the best of everybody's ability, what finally goes in is certainly in compliance and all the hazards that can be designed out have been. Our engineers and inspectors then follow up in the field to ensure that those designs are put into place, so there is a follow-up there.

Mr. Wiseman: I guess that is what I was asking you. Before they get into an operational--

Mr. Pakalnis: Yes.

Mr. Wiseman: --are they inspected to make sure that what they brought or sent into your office and was agreed upon is actually--

Mr. Lazurko: One of the requirements in here is for a permit. Before you can operate that mine hoist, you need a permit from the branch engineer, and we do not issue a permit unless we are satisfied that every component is prescribed and also that any known hazard is looked after.

Mr. McGuigan: Just while we are talking about elevators, as I understand, elevators in buildings have a fail-safe brake on them--I think a man by the name of Otis invented that back in 1870 or 1880--so that if a wire rope breaks and you get a free fall, there is a very simple mechanical device that grips on the sides of the shaft and stops the elevator. Do they have those in the elevators in mines? I am wondering how that happened back in 1945 if that rope broke. Was there not a fail-safe brake, or did the fail-safe brake fail?

Mr. Lazurko: On the Paymaster conveyance, with the 16 people who were killed, there was a safety device on the conveyance, except that the safety device at that point in time did not do very well; in other words, it did not do its job. We have progressed since then a fair distance, and we have safety devices on the conveyances. They are required to be tested initially before they are installed, before the conveyance is put to use, and there is a three-month requirement. Every three months you then test it out again to make sure that it is free and that it does engage. This involves safety dogs cutting into wood guides that are installed in the whole shaft. So that is another aspect that--

Mr. McGuigan: So in the unlikely event that a wire rope broke, there is a secondary system.

Mr. Lazurko: That is right.

Mr. Pakalnis: They are called safety dogs. The dogs in fact spring out and catch into the timbers and physically jam the conveyance into place.

Mr. McGuigan: I remember reading one time on some other thing that Otis invented that back in the last century.

Mr. Chairman: We have got to keep moving. Mr. Leone had a question.

Mr. Leone: Yes, on the previous chart, please. I would like to see how you work from your own career as a director. Then in Sudbury, let us say, you have the other engineers who are the field staff. What are the qualifications of the field staff, how do they work with the mine rescue department--and I see a different telephone number there--how do they operate and what are the functions and also the qualifications that the mine rescue people must have?

Mr. Pakalnis: On the qualifications of our people, depending on the office, between 40 per cent and 50 per cent of our people are professional engineers. Various inspectorates have various qualifications for their inspectorate. We have a mix of people with engineering qualifications and also people with a lot of experience in the field that relates to the practices and that sort of thing, so our engineers are all professional engineers licensed to practise in this province.

The qualifications of the inspectors vary. Some of them have technical college qualifications. Others have high school--

Mr. Leone: And experience.

Mr. Pakalnis: --and a lot of experience, many years of experience in many operations. In fact, we look for varied experience. The combination of experience and academic is what we want to have a mix on.

With respect to the mine rescue group, they are located in different offices. Most of them are located in mine rescue stations, and we are hoping that when you visit Elliot Lake you will be able to visit the mine rescue station there. Ken Pierce will be able to show you a lot of the specialized equipment that is used and also how we proceed with training and that sort of thing.

The qualifications of our mine rescue officers are really on their experience in mine rescue. All of them have mining backgrounds with long years in mine rescue as volunteers doing work in various fires. They would normally be people who would have reached the top in terms of qualifications in mine rescue in the companies before they are hired with us.

Mr. Gladstone: Mr. Chairman, you asked about comparative statistics for other mine branches. For this fiscal year, the total staff for the construction health and safety branch is 148. That is in a working environment in which there are some 257,000 workers and 21,000 projects.

In the industrial health and safety branch, which covers all other types of activities other than farming that are covered by the Occupational Health and Safety Act, there are some 217 staff covering 3.2 million workers and approximately 150,000 establishments.

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Mr. Pakalnis: The various programs that the branch carries out include: inspections; investigations of accidents, fatalities, incidents; legislative review to update our regulations to ensure that we have state of the art in terms of what regulations are required.

Wire rope testing: We run the Wire Rope Testing Laboratory, which is the only facility in Canada, I should point out. We test ropes from all mines in Canada on a fee basis. In other words, it pays for itself in terms of the

testing. The statutory testing that is done in the province is also on a fee basis. Where there has been an accident in some other province, we are involved with the investigation by providing the testing of the ropes that broke.

In the working environment surveys, we do monitoring and surveys for such things as silica, various dust exposures, radon daughters, what have you. We have education and guidance programs to ensure that workers and employers know what the regulations require, what the hazards are. Particularly with the technological changes, there are a lot of hazards that have to be explained when they are being introduced, and we ensure that resources are provided there.

We have a branch training program for our own people because, as I said, the technology is complicated and we have to ensure that our people are up to date and qualified to perform the inspections and provide our delivery of services in the field.

Pre-development review, under section 5: As I said, there is a requirement to submit various designs for review.

The mine rescue organization I will describe later.

Mine hazards abatement: This is for abandoned mines, where there are open holes or what have you that are left. I think someone mentioned it in the presentation of the Ministry of Mines. We co-operate with our colleagues. In fact, I am on the committee chaired by Mr. Tieman with respect to mine hazard abatement, and with the other three ministries involved, we co-ordinate various programs to ensure that holes are capped or areas that are possibly hazardous are fenced off. We have regulations that require that for all operations before they are abandoned.

In ground control, we have specialists and we test equipment that is used throughout the province. It is located in Sudbury at our technical headquarters there.

Are there any questions on programs?

Mr. McGuigan: Just an observation. I think those figures the other gentleman just provided would indicate that the density of inspection for the number of workers who are in mining is probably higher than for other areas; that is, the ratio of inspectors to workers is quite high, from what I gather.

Mr. Pakalnis: That is correct, first, because of the level of risk, and second, because of the distribution of the various mining operations. For some of our operations it takes an inspector a day or two sometimes to travel to the workplace location. We are essentially concentrated in northern Ontario and the distances are quite substantial. That is correct.

Mr. McGuigan: Perhaps you could get a figure, and provide it to us later, for the ratio of inspectors to workers amongst all of the various facets that they cover: construction, manufacturing and so on. It might be useful to us.

Mr. Gladstone: We would be pleased to provide that.

Mr. Wiseman: Just on the abandoned mines, do you tax the mines, while they are in production, a percentage or set aside a certain amount to

cap those mines or to make them safe at the end, or is that expense like some of our old open-pit mining gravel pits that become the responsibility of the township where they are found or the government to make them safe? I wondered if we are starting down the road, as we are with open-pit mining for gravel and so on, to make sure the money is there to bring them back to the standards that we think they should be at for safety and so on.

Mr. Chairman: Good question, Mr. Wiseman.

Mr. Pakalnis: It is a good question. In fact, I think this committee will be considering it when the Mining Act is brought before the committee. At present, there is no fund that is established. If the mine is abandoned and if it has reverted to the crown, if there are any tailings problems or open holes to be capped, it is at the expense of the province. Normally what is done is that we proceed with capping it and we act as agents for the Ministry of Mines or the Ministry of Natural Resources as technical experts in that area, but the actual work of capping those is done by those two ministries. Then a lien is placed on that property, and if in fact it is sold or bought--if transactions happen--that money is then returned to the crown. If we find an open hole or a hazard on a property that is held privately, we can go in and do the capping and then charge it back to the owner.

But at this point the Mining Act does not allow for a fund for providing rehabilitation and ensuring that abandonment proceeds as it should. At this point, only the capping and fencing is prescribed in our regulations.

Mr. Wiseman: I really felt the change to the pit and gravel was a good one, where they even reimburse the municipalities for their roads that they had to keep up to accommodate the--

Mr. Chairman: Except northern Ontario.

Mr. Wiseman: Well, I thought that was a good move. Maybe we should get into that some time. Thanks.

Mr. Pakalnis: I will proceed now to four items that were contained in your terms of reference.

First of all--and I will not spend very much time on this one--this deals with the inquiries and commissions since 1974. You had an excellent presentation by your researcher earlier that discussed the findings of the various commissions of inquiry. We have listed a couple of extras that might be of interest to the committee: the Ham commission; the select committee on Hydro affairs, which did talk about mining safety as it related to the Elliot Lake mines; the Weiler reports, which talked about the accident prevention associations and their role in safety, which might be of interest to you; the Burkett commission; and the Stevenson inquiry.

We will be presenting to you in our written brief, on or before February 18, an outline of all the recommendations and the action taken on each and every one of those. You will have that in our brief.

I would like to go, then, to the second item on your terms of reference, and that dealt with the consultative mechanisms that exist. In accident prevention in Ontario mines there are three parties that are involved: labour, management and government. You will see from the consultative mechanisms that

we have in place in mining that we have ensured that those three parties, as best we can, work co-operatively to minimize the risk in the mining industry.

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There are three levels of consultation. First, in the workplace we have joint health and safety committees that are mandatory under section 8 of the act, established in 1975. They improve communication between workers and employers. They have power to identify hazards and make recommendations to improve health and safety conditions in the mines. Worker representatives can inspect workplaces monthly and investigate critical and fatal accidents.

There was a report by the Advisory Council on Occupational Health and Occupational Safety on the subject of joint health and safety committees. While it did not address mining joint health and safety committees, it did in a global way address the whole question of how joint health and safety committees function and where improvements can be made. With respect to the ones in the mines, since most of the mines are unionized, the organizations of the joint health and safety committees are quite elaborate. As you tour the north, I think you will be quite impressed with the level of commitment, both from the workers and management, to making those work.

Provincially, we have a number of groups that consult on the questions of occupational health and safety. ACOHOS, the Advisory Council on Occupational Health and Occupational Safety, established under the act, advises the Minister of Labour. The council members represent management, labour and the public. They table an annual report in the Legislature every year.

The Mining Research Directorate was established in 1987 as a result of the Stevenson inquiry. It was set up to co-ordinate and define funds for research. It has provincial, federal, labour and management representatives on the board of directors and the executive director is located at Laurentian University.

The Mining Legislative Review Committee was established in 1975 to give labour employers input into mining regulations. It is established under section 11 of the Occupational Health and Safety Act to advise the minister. It has four members from labour, four from management, with alternates for all these people; and a neutral chairman, Paul Hess. The group has two to four meetings per year. It reviews all the coroner jury recommendations. Every recommendation related to a regulatory change is discussed. All the issues you might think of in terms of contributory factors, bonus, hours of work, whatever, are discussed by this group and through a process of consensus the committee makes recommendations on revisions to the regulation. These are then vetted by the division and eventually the minister may then bring it to the cabinet committee on regulations.

The Tripartite Committee on Mining Training was established to develop training programs under section 10. We are the only sector that has mandatory training programs. We are quite proud of the program that has been developed. It was the first in Canada. The programs are designed by a group of people from labour, industry and the Ministry of Labour. The whole process is chaired by the Ministry of Skills Development. We have training programs developed in hard-rock mining, soft-rock mining and supervisory training. Two were, in fact, just put into place as of June 1987. The hard-rock mining, however, was put into place some time ago.

It would be useful to note that in one of the conclusions in Burkett, he compared the workers who were hired previous to the period when this modular training was put into place to the workers after. He found there was a decrease of some 20 per cent in the accident rates, which is quite significant. The effects of training are quite substantial and we are quite proud of that. Perhaps more should be done in that area. We are proceeding on a tripartite basis to develop other programs, particularly for contractors such as diamond drilling operations.

Mr. McGuigan: I wonder if you can give us a broader outline of the training, the length of training. Are the people paid during that time and so on?

Mr. Pakalnis: Yes, the people are paid during the time they are trained. The program is designed to be administered by the mining companies themselves. It is done on site. It is performance based. It is not in a classroom. People have to demonstrate that they can use a jackleg, a stope or whatever piece of equipment they are using in a safe manner. They have to be evaluated by an instructor who is certified by the Ministry of Skills Development. Performance objectives are drawn up for every job and those have to be demonstrated. There is no grandfathering into the program and people have to demonstrate they know the particular objective before they are passed.

Mr. McGuigan: Is that underground?

Mr. Pakalnis: The hard-rock mining is all underground.

Mr. McGuigan: No, the training.

Mr. Pakalnis: It is all done underground. It is done in the stopes. There might be some introductory comments and that sort of thing that could be done anywhere, but the actual training is on the equipment and on the jobs performed. It is done in the stopes, in the working places.

Mr. McGuigan: Is it weeks at a time?

Mr. Pakalnis: There is no specification for how long it should take a person to complete it. We want the common core part, which is the basics of mining--scaling, bolting, drilling, that part--completed within one year. That was a regulatory change introduced in June 1987. That has to be completed within one year. There is no time limit to any of the specialties. Some take longer and some take less time, but there is a requirement to complete it within the first year of the man's employment.

Normally, a miner could take up to a month, sometimes up to five months, depending on how the job is structured. When a new hired comes on, he does not necessarily get to do all the things that are covered in that training module. Therefore, it is spaced out. It varies from company to company.

Most of our mining inspectors--perhaps some of the new hires we have not put through yet--but most of our mining inspectors have also gone through it themselves and have passed that.

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Mr. McGuigan: There will never be an occasion where a man goes underground the very first day. He is given a general course.

Mr. Pakalnis: Orientation, and he is normally assigned with other people who would look after him. He is helped along until he is properly trained and then he can work on his own.

Mr. Chairman: Mining is not a trade yet. Is that right?

Mr. Pakalnis: That is correct. This is not an apprenticeship program. It is skills training for the job performed.

Mr. Chairman: There has been some agitation, has there not, to have mining designated as a trade so that you have a ticket like an electrician, a plumber or a carpenter? Is that not in Manitoba now?

Mr. Pakalnis: I am glad you brought it up. The experience in Manitoba is not good at all. They did try an apprenticeship-type approach to their training and it did not work. It has not been successful in terms of the numbers who have participated in the program. The structure in Ontario is not to go to the apprenticeship-journeyman type of training. It is the skills performance. Demonstration, we feel, is far more direct and certainly seems to have worked. There is a different type of training that Manitoba provides and that is as part of the apprenticeship program, but for a number of reasons it just has not caught on in the mines.

The next subject is the Ontario mining health and safety training program and that is the regulations modules, 39 modules that have manuals and audio-visual components that address all the mining regulations, all the hazards, the terminology, what is required by the regulations and illustrates proper practices used in the province. This was designed with labour and management participation to ensure there is a consensus on what is wanted. We will be showing you a bit of an excerpt from the introductory module shortly.

The Tripartite Committee on Mining Fatalities which you will be hearing from next week was formed as a result of the high incidence of fatalities in the province. It is a grouping of senior management, labour and government officials formed in June 1987 for various initiatives that involved the introduction of fail-safe designs.

I am not sure if the committee understands what fail-safe design means, but essentially you can have various systems that will fail in a safe way rather than in a catastrophic way. If you relate back to the Levack incident that was described to you the other day, in that case the gate failed in an open fashion and allowed wet material to flow into the shaft. You can have designs where if there is a failure, for whatever reason, either machine failure or human error, the equipment fails in a safe manner so that a catastrophe or fatality will not happen.

Mr. Chairman: Like elevators.

Mr. Pakalnis: Like elevators; correct. We are now introducing these fail-safe designs on a very wide-ranging basis. the Mines Accident Prevention Association of Ontario, I understand, next week will be talking to you on the specifics of that.

We have a study by Dr. Shannon of McMaster University to deal with the accident statistics since Burkett and you will have a very good view of what statistics there are, the causes and contributory factors from that study.

The internal responsibility systems are very poorly understood. I should

tell you that internal responsibility systems have a lot of support within the mining industry from labour and from management, but are poorly understood in terms of what the responsibility system involves. On a tripartite basis, with labour and management, the Ministry of Labour is working towards developing some training materials on internal responsibility systems.

Finally, we have an attitudes study, how worker and supervisor attitudes affect the accident rates and we have a psychologist with the Ministry of Labour who will be helping in a pilot project on a mine in northern Ontario to see how attitudes affect accident frequencies and what we can do in that regard. Those initiatives are being undertaken by that group and I think it would be useful to have its input to this committee as well.

The Tripartite Mine Rescue Advisory Committee was established as a result of the Stevenson inquiry and reviews long-term directions, analyses various mine fires and disasters, worldwide, to ensure we are up to scratch in this province.

There is a Labour/Management Committee on Hazardous Substances that was just formed in November that is chaired by Tim Millard. All various labour and industry sectors are represented and it is intended to be a steering committee to provide advice on regulations concerning hazardous substances.

On the national-international level, the national fatalities study was established by motion of the federal-provincial-territorial ministers of mines back in September of last year at their meeting in St. John's, Newfoundland, and we will be undertaking an interprovincial-territorial study to determine causes and corrective measures and, in particular, opportunities for research in the safety-related area. That study will report to the mines ministers conference in September of next year.

The national mine incidents database was established by the chief inspectors of mines of the various provinces and it is available through the Canadian Centre for Occupational Health and Safety. This has information on incidents, unusual occurrences, that are published by each province and territory. In that way, we can benefit by each other's experience.

Mr. Chairman: Who is Ontario's chief inspector of mines?

Mr. Pakalnis: That is me. Traditionally, the person in charge of the mining inspectorate was called a chief inspector of mines. In this province, it is the director of the mining health and safety branch.

Mr. Chairman: I just want to know where the buck stops.

Mr. Pakalnis: Right.

The US Bureau of Mines, the federal government through Canmet--the Canadian Centre for Mineral and Energy Technology--and the Ministry of Labour have various co-operative research programs. I indicated that approximately \$6 million was spent on one such co-operative research program and that was on diesel emission studies. We also have one on ground control that was established after the Stevenson inquiry and one on mine hoisting.

Finally, the last consultative mechanism we have is the National Chief Inspectors of Mines Committee. We meet twice a year and exchange information

on an informal basis on a variety of subjects, related to mine safety of course.

I would now like briefly to go over a few statistics. All of these statistics are in your package and we will be giving you more in terms of the written brief that is presented in February.

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The numbers of fatalities for various years, as you can see, vary. I mentioned that this year we have 19 that are covered under the mining regulations. If you take into account the numbers of workers in any particular year, you would then divide the fatalities by the millions of man-hours worked and you would have the following graph, which shows that since 1930 we have had a steady decrease in mining fatalities.

This is a graph showing five-year averages, between 1920 to 1925, 1925 to 1930, etc. You can see there is a gradual improvement. However, in the last two years we have had an increase, and at present the rate is 0.37. If you look at the value, it is substantially higher than the last calculated five-year average. The average for the last three years is 0.25.

Mr. Wiseman: How would we compare with British Columbia, say, which we heard was the next one to us? I know we are larger, but do we have a good accident rating compared to them?

Mr. Pakalnis: We compare very well with other jurisdictions. We will have better graphs than we have presented here and will also bring them up to date. I will talk about the various countries--

Mr. Wiseman: That was my next question.

Mr. Pakalnis: Perhaps we could put that on the overhead now. I am sorry we could not separate out the traumatic from the industrial illness category for the Canadian statistics. We hope to do that for the brief that we will present in February.

You can see that, with respect to the United States and Sweden, we certainly do compare. The other jurisdiction that is much larger than any of these, of course, is South Africa; it is at the 1.03 level, which is much, much higher--and that is just traumatic. Their population of workers is greater than 10 times ours--some 700,000 workers in the mining industry.

Mr. Chairman: What is that at the top?

Mr. Pakalnis: The top one shows the fatality data for all of Canada. Unfortunately, as the note at the bottom indicates, it does not distinguish between occupational illnesses and traumatic accidents. The data at the bottom does, and that is from the International Labour Organization.

Mr. Chairman: So you are saying that the other jurisdictions--Sweden, USA and Canada?

Mr. Pakalnis: Sweden, USA and Ontario. We are in the red part.

Mr. Chairman: That only--I am confused. Is it all traumatic?

Mr. Pakalnis: That is all traumatic, yes.

Mr. Chairman: And the one at the top is illnesses as well.

Mr. Pakalnis: The other countries list them by traumatic. The Canadian data unfortunately did not, for some reason. I am not sure why Statistics Canada does that.

Mrs. Grier: If Ontario is included in occupational illness, where would we be in relation to these lines? If we made the Ontario data here comparable to the Canadian data, how would we fare?

Mr. Chairman: There is a slide later on, I think.

Mr. Pakalnis: On total? Perhaps we can just look at some of the figures.

Mr. Wiseman: Is Mrs. Grier saying that red line on the bottom chart would go away up?

Mrs. Grier: I would be interested in seeing comparable data, and if we have cannot separate out the occupational illness for the Canadian one, could we make the others comparable by adding in the occupational illness?

Mr. Pakalnis: Our total fatalities, illness and traumatic, for 1983 are 0.03.

Interjection.

Mr. Pakalnis: I am sorry. All industries are 0.03, which is quite a bit lower; for mining, reported through the Workers' Compensation Board, it is 0.26 for 1983.

Interjection.

Mr. Pakalnis: Is that 0.26, approximately?

Mrs. Grier: No.

Mr. Pakalnis: I am sorry. It was just pointed out that the ILO reports fatalities per 1,000 workers. What is reported in the WCB is fatalities per million man-hours, and therefore we cannot put that on that particular graph.

We do not have a figure of fatalities per 1,000 workers for industrial disease. Industrial disease is very difficult to compare because, as you realize, sometimes the events that led to a particular death in the end may be related to conditions some 20 years ago.

In other words, if a person who worked in the mines prior to 1945 finally succumbs to lung cancer or what have you many, many years afterwards--maybe 20 years--that statistic is reported in the year in which the person dies. It is not necessarily related to the conditions at that time; it relates away back. It is very difficult to compare industrial accidents.

With traumatic accidents, the death occurs right there; and the statistics are then comparable between countries and jurisdictions.

Mrs. Grier: What criteria are used to develop the national statistics?

Mr. Pakalnis: That is from Statistics Canada, which comes from the workers' compensation boards across Canada.

Mrs. Grier: But they must have some definition of the occupational illness and some time frame which they include in their data.

Mr. Gladstone: The statistics that are collected that include occupational fatality data related to occupational illnesses or occupational diseases are attributed to the year in which the claim is awarded.

For example, the statistics that you have in the table in your report would show that, for example, there were 14 occupational-illness-related fatalities in the mining industry; those are awarded deaths recognized by the Workers' Compensation Board in that year. The workers could have started work, as Mr. Pakalnis indicated, many, many years before they came down with any particular type of occupational disease.

Simply, what Statistics Canada does is collect these informations from across the country, and each workers' compensation board has its own criteria for recognizing an occupational disease; as they are reported, they are counted up in a given year and that is what is reported here.

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Mr. Chairman: We will get some stats on that later on.

Mr. McGuigan: The Workers' Compensation Board had a change of policy and recognized a certain type of death in 1987, all of which would be attributed and reported for 1987, and yet had a different policy been in force, that might have been strung out over a number of years in the past.

Mr. Gladstone: Yes, that is true.

Mr. McGuigan: So you have to view those statistics with some of those things in mind.

Mr. Gladstone: Yes.

Mrs. Grier: Can I try to simplify what I cannot understand? If I know that, say, it looks like 1.5 fatalities per 1,000 workers in the mining industry occur across Canada in 1984, what is a comparable figure for Ontario?

Mr. Pakalnis: You are asking for a total?

Mrs. Grier: Using the same definition as is used to arrive at that national figure.

Mr. Pakalnis: OK.

Mrs. Grier: And if we can arrive at a national figure, why cannot we--somebody--arrive at a provincial figure?

Mr. Pakalnis: In fact, we can. I am not sure how meaningful the number would be, but what we would do is this: Say, in the case of 1983, the total industrial and traumatic is 19; if we then divided it by the population base that we had in that year, say 40,000 or so, it would be approximately 4.7.

Mrs. Grier: So we are way above the national average.

Interjection.

Mr. Pakalnis: I am sorry; 0.47.

Mrs. Grier: Thank you.

Mr. Gladstone: Perhaps there is a simple way of doing this. You have a chart that shows numbers of fatalities and fatalities per million man-hours. It is the table before that. If you take the fatalities per million man-hours and multiply that number by two, that will give you the fatality frequency per 1,000 workers. This number is per 500 workers, because it is per million man-hours and it is using a rough figure of 2,000 man-hours per worker. You would end up with a rate. Just for argument's sake, for our discussion today, if you multiply those numbers by two, it will give you some handle on the ratio.

The difficulty, of course, is that when you look at the occupational disease, it is not drawn from the same population as the traumatic accidents. The traumatic accidents, and deaths, are those that occur today in a workforce that is working in the mines today. When you want to compare trends, you are talking about a different base. It is actually the whole mining population that has moved through the mines from, let us say, 1945 until now. It is not really a fair comparison, but it will give you an indication of how Ontario would fit on to that graph if you multiply the frequency by two.

Mr. Chairman: OK.

Mr. McGuigan: On that graph is shown, in the red line, a big bulge after 1984. You do not show that for the other jurisdictions. Have you any idea whether our bulge has been matched by other jurisdictions?

Mr. Pakalnis: As I mentioned to you, we are going to try to update these to be as up to date as possible. This is as much as we could get at this point, but we will try to do some assessments of how we compare and if other jurisdictions have had similar experience--for instance, of the accident rates going down and the fatalities going up, which is a trend we are particularly concerned with and which I hope members will realize is something very, very different. I think in the presentation, your researcher mentioned it is the iceberg theory that seems to be not working.

If I could just continue with that, I will just go back to where the fatalities are happening, because there was a question on where we are having the fatalities.

This next graph shows that 23 per cent of the fatalities are happening in activity involving mobile equipment; either a worker is crushed or driven over, or a vehicle falls off a bank--any of these types of causes.

The second largest, at 21 per cent, is falls of ground.

The third is falls of person; the fourth, falls of materials, excluding rock; fifth, machinery--machine-guarding accidents and that sort of thing--finally, hoisting; explosives; explosions; electrocutions; and environment.

There is a difference between explosives and explosions. Explosives relate to accidents related to dynamite and the various other blasting agents we use. Explosions are gas explosions; we have sulphide dust explosions that

are not related to blasting agents. That is why there is a difference in that category.

If you look at where these happen and which operations are more critical, you can see that 62 per cent of fatalities happen in underground mines; 15 per cent happen in pits and quarries; 12 per cent happen in metallurgical mining plants; and five per cent in surface mines.

If you look at the numbers of fatalities per million man-hours by type of industry--we took 1985 as an example--in agriculture, forestry, mining, construction and manufacturing, you can see that mining is higher than agriculture, construction, transportation and manufacturing but is lower than an industry such as forestry.

The actual statistics are quoted in the next slide. We will just skip over now to the graph on lost-time accidents in Ontario mines. This illustrates that medical aids--which are any recorded accidents, cuts and what have you that require treatment--and lost-time accidents that are reported for compensation purposes have been steadily decreasing from 1976, and yet the fatalities have been increasing.

That particular phenomenon is central to why the tripartite Mining Fatalities Committee is reviewing the situation and I guess why this particular committee is looking at fatalities in our industry at this time.

There was a question about how we place with other provinces. I do not have those figures at this point other than to say that we do compare. As far as the industries in other provinces are concerned, I did try to find some figures. Mr. Tieman referred to production levels--in other words, the value of the mineral production--in various provinces, and they indicated that British Columbia was second.

I looked at the actual figures in terms of the numbers of mines, and you can see that in Ontario, the major producers--these are the large, active mines; not all the mines I have reported, which would include a lot of abandoned mines where there is only a caretaker or a watchman present--are followed by Quebec, then British Columbia and Manitoba.

If you look at the numbers of workers in those industries, we are substantially higher than the other provinces, and again, not to look at the actual figures, but in terms of the relative figures from Ontario, Quebec, British Columbia and Manitoba, the proportions are significant. Quebec places second, BC third and Manitoba fourth.

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If we look at the contributing factors in what caused these accidents, you have to see that it is a combination. It is never one thing. It always involves a combination of things: a piece of equipment failing or people problems, attitudes, engineering, training, lighting, bonus, drugs, alcohol, experience of the person, hours of work, production rates and what have you. There are a lot of contributing factors; in fact, if there is a combination at play, any one can in fact trigger the crossover from an accident to a fatality or from an incident to an accident. It is important that each person in the organization knows his place, and whenever an accident happens, it is normally a number of factors that are involved in having that accident happen.

I would expect that one of the things you would want to do is to try to get a picture of how all these factors interacted and which ones are

responsible for perhaps the greatest proportion of the factors that contribute to an accident. That is what we have been doing, and we have been trying to address such questions as training, trying to introduce mandatory training programs for all the high-risk groups.

We have improved the lighting standards. We had the first lighting standard, in fact, for cap lamps in North America. We have all the various factors that I have listed here under discussion with the mining legislative review committee, and certainly if there are others that this committee might conceive of or pick up in the hearings that you have around the province, we would certainly benefit by that observation.

Mr. Chairman: There are a couple of questions. I have one and Ms. Collins has one.

Ms. Collins: The other day we heard that two studies had been done on the bonus system and that there was no evidence to show there was a relationship between the bonus system and accidents, so why would you list it as a contributing factor? Do you have evidence to show that there is a relationship?

Mr. Pakalnis: I am not listing it as a contributing factor. I am listing it as a possible contributing factor because it has been brought up and it continues to be brought up constantly.

Mr. Chairman: Can you not see that word "possible" there?

Mr. Pakalnis: It is in the fine print.

You are right that the studies that have been undertaken in Ontario and Quebec do not indicate that there is that correlation. In fact, there are a number of Quebec studies, and the one I would think the committee should look at is one done in co-operation with Laval University, the federal government and the Quebec Mining Association, they did a study of 10 mines and in fact found there are a number of contributory factors in terms of the type of organization it is and what have you.

They found that bonus has some very slight correlation, but frankly, a heck of a lot of other factors are a lot more important. They have found, for instance, that training and retraining is far more important. They have even found evidence of a correlation where bonus reduces the level of accidents, perhaps by creating more incentive or whatever, but they have found a slight correlation with increases in some production jobs. But there is no evidence at this point that eliminating bonus, for instance, would have any substantial improvement in the accident frequencies. You would have to change other factors as well.

Ms. Collins: Someone also said the other day that British Columbia had discontinued the bonus system.

Ms. Luski: Yes, we checked that out. There are two underground mines in British Columbia and apparently they still have production bonuses in effect.

Mr. Chairman: The question I had had to do with the chart in the book that you did not address. I do not know whether you are going to come to it or not. It has to do with the number of fatalities per million man-hours in the major industries in Ontario, 1983-86. Are you still coming to that? We seem to have skipped over it.

Mr. Pakalnis: I have it in your book. I was not going to refer to it because we are running out of time.

Mr. Chairman: I would like to refer to it, if you do not mind. This comes just before the mining fatalities by jurisdiction, for members who are looking for it. There it is on the screen. You will notice under mining, quarry and oil wells, the last two columns in 1986, the number of fatalities attributed to occupational disease and trauma, in other words illnesses versus accidents. You will notice there are 27. This is the number of fatalities per million man-hours, right? It is not an absolute number.

Mr. Pakalnis: That is correct.

Mr. Chairman: It is a ratio.

Mr. Pakalnis: No, these are absolute numbers. Sorry. The 27 are 27 deaths, the 13 are 13 deaths. They have not calculated the fatalities per million man-hours in 1986. If you look at the other columns, there are three columns.

Mr. Chairman: OK, these are absolute numbers.

Mr. Pakalnis: That is correct.

Mr. Chairman: So in 1986, there were 27 deaths due to disease in mines, over twice as many as by accidents.

Mr. Pakalnis: Not necessarily.

Mr. Chairman: I am reading only the headings.

Mr. Pakalnis: That is right. As Mr. Gladstone indicated, the record becomes a record when it is accepted as a claim by the Workers' Compensation Board.

Mr. Chairman: Once a person has died.

Mr. Pakalnis: That is correct. For instance, just recently there were a number of lung cancers in gold miners that have been recognized now as being occupationally related. So these particular deaths may have occurred in previous years, but they will now be recognized.

Mr. Chairman: In 1987 or 1988.

Mr. Pakalnis: In 1988 probably. So in other words, it is not necessarily deaths. Normally, it would be deaths in the year that is listed.

Mr. McGuigan: It could be people who had retired some time ago, too.

Mr. Pakalnis: That is right, it could be people who were retired for years and in fact have not worked in the industry for 10 or 20 years.

Mr. Chairman: For example, there are a number of widows of gold miners. The miners died and now those widows are going to get a WCB pension, are they not, because they were recognized in 1988.

Mr. Pakalnis: That is my understanding.

Mr. Chairman: But it does not alter the fact that this is death by illness as opposed to traumatic incident, right?

Mr. Pakalnis: That is correct.

Mr. Chairman: We could argue about the time frame, but it is still a death by an illness versus an accident. This is why I was so concerned yesterday about being preoccupied on the committee with accidents rather than illnesses as well. I think you understand what I am saying.

Mr. Pakalnis: Yes. The only reason we are focusing on the traumatic is because we understood that was the focus of this committee. Essentially, it is entirely up to the committee in terms of what focus you wish to take.

Mr. McGuigan: I think perhaps for the benefit of the chairman and others, our concern in the government party is the traumatic ones as the subject of this inquiry. We are certainly not denying that the other is a concern. I think if reference wants to be made to that, as far as the government party is concerned, we are willing to listen, but the main focus is the traumatic.

1200

Mr. Pakalnis: We have reached 12 o'clock and we still have three categories to go through. Should we continue at this point?

Mr. Chairman: Let us let the committee make that decision, if it is OK with you people. Do you have half an hour to an hour left?

Mr. Pakalnis: Correct.

Mr. Chairman: Does the committee wish to barrel through or do you wish to adjourn and come back? It is entirely up to the committee.

Mr. Miller: Go for another half an hour, till 12:30.

Mr. McGuigan: Realistically, can we do it in a half an hour?

Mr. Chairman: That is what I do not know.

Mr. Pakalnis: We will do it in a half an hour. Any of the detail that I skip, we will put it into our brief and we will of course be available to return if you wish.

Mr. Miller: Can I just ask one question on the contributing factors? Drugs and alcohol, has any study been made on that?

Mr. Pakalnis: It was referred to in the Burkett commission and there is a source there. There is nothing specifically as it relates to the mining industry other than that, that I am aware of. We have found it as a contributing factor in some fatalities. I know of at least two where some drugs were found in the bloodstream and would have reduced the person's functioning.

Ms. Collins: Just on that, do most of the companies have employee assistance programs?

Mr. Pakalnis: Most companies do, in fact. In most companies it is pushed as a priority to help people with alcoholism and drug problems. The

difficulty is to identify the problem before it leads to an accident, but once it is identified, there are measures to treat that problem.

The next item in your terms of reference talks to initiatives to reduce the incidence of mining accidents and fatalities. The three Es of safety are engineering, education and enforcement.

If we look at engineering, we have a variety of things that we do in terms of predevelopment review, engineering analysis, accident investigations. In accident investigations, I should tell you, we do a very thorough job of it in terms of trying to prevent recurrences. When an accident does happen, the ministry usually has two to five experts working on all aspects of the accident. We have the information presented at coroners' inquests which are mandatory for all mining fatalities in the province. We then discuss the accident in terms of what we can do in hazard alerts, technology changes, research that is required. We also present it to the mining legislative review committee at the time the coroners' inquests present their findings to see if there is a legislative change that has to be made.

We are represented on a number of technical committees to draw up standards, both national and international. Some of the work we have done, in fact, has been adopted in most other provinces. The Occupational Health and Safety Act and our handbook for mine rescue are used as a standard throughout the country and in some provinces. In fact, they use it just as is in other countries as well. We sell these things internationally, so they are well respected.

We sponsored research work on respirators at Laurentian University. We do wire rope testing, as I said, and we do technical studies on nondestructive testing of wire rope and other components of the hoisting plant, and technical studies including bulk mining methods, rock bolt testing and other areas.

In education and information, we provide information sheets on all our regulations, or at least the ones that are requested, to ensure that all the workplace parties know what is required. We issue hazard alerts in co-operation with the Mines Accident Prevention Association, and these are like posters that illustrate a particular hazard and what should be done to avoid similar occurrences. We produce quarterly reports which list all of the unusual occurrences, prosecutions, fatalities, descriptions of them, to try to help others to avoid similar occurrences in their workplaces.

I mentioned the regulation modules and perhaps I can spend three minutes of the committee's time to show you a clip on that. While it is being readied, I will talk further on the technical conferences we have sponsored or co-sponsored in the past with labour and industry participation, which have been very well attended. We have had conferences on underground communications, lighting, rockbursting, rock bolting, and also on mine rescue.

Now we will go to the regulation modules and a description of them.

[Audio-visual presentation]

1209

Mr. Pakalnis: We also have mine rescue training, and that is done throughout the province. We have eight specialists in mine rescue scattered throughout the province and one senior mine rescue officer who directs these eight out of the technical headquarters in Sudbury.

The role of mine rescue is to provide standardized training in fire and nonfire emergencies. When an emergency happens, the volunteers who have been selected and trained will respond to the emergency. The mine rescue officer will be dispatched to the site for the maintenance of the specialized equipment and advice in the management of the emergency.

As I said, we will, hopefully, be seeing one of the stations. We have 42 substations located throughout the province, approximately 460 self-contained breathing apparatus and over \$1 million worth of inventory in that area. That particular function of the mining branch is completely funded from the mining industry. The budget of about \$1 million per year is fully recoverable through WCB levies from the mining industry.

We have as well section 10 training, which I told you about already. Under section 10 there is mandatory training for hard-rock, soft-rock and supervisory personnel. We make various presentations to safety groups and technical societies. We have provided funding for the Centre for Ground Control Training, which is as a result of the Stevenson inquiry. This is at the Cambrian College in Sudbury.

As Mr. Tieman mentioned yesterday, there have been chairs in rock mechanics and ground control established at Queen's University, University of Toronto and Laurentian University. We have established occupational health and safety resource centres. Two in particular relate to mining very specifically, in Sudbury at Cambrian College and Laurentian and in Thunder Bay at Lakehead University.

I would like to turn to enforcement and what we do there. We have a short clip to show you what an inspector does, and also it was requested that perhaps the committee might speak with our inspectors. We managed to get one for you, if you wish to discuss this with one of our people. Allin Brady is a working environment inspector out of our London office. Perhaps we will save any questions until after our brief, three-minute clip.

[Audio-visual presentation]

Mr. Pakalnis: This is a segment from the internal Ministry of Labour program that we have to communicate with our staff around the province. I have with me, as I said, Allin Brady, who is an inspector with our branch. If there are any questions on that or on the role of the inspector, I am sure he would be able to address a few brief questions.

Mr. McGuigan: My question concerns attitude. I think in Canada we have been regarded as sort of a frontier country with people doing their own thing and to heck with inspectors. In contrast to that, I spent a day with an inspector in England who was inspecting buildings and so on. I was amazed that the managers of the company, executives and so on, treated this man like a god, whereas I am accustomed to thinking an inspector is somebody you would tell to get the hell off your property. How do you find the attitude today to your work?

Mr. Brady: At this point in time, at least in the portion of the province I work in, we have an excellent rapport with workers on site and also with management of companies. In our recent history we have developed a co-operative attitude. The companies have realized that we can act as an extra resource to help them out. Yes, there is a very good spirit of co-operation in this part of the province.

Mr. McGuigan: You do not worry when you issue an order whether they are going to comply with it. You assume they are going to comply with it.

Mr. Brady: Yes, the assumption is made that they are. As a matter of record, we have an excellent record of co-operation with the companies with regard to responding to orders.

Mr. McGuigan: In a different vein, regarding the blasting, I notice it is very low on your list of accidents. Do you blast while there are people in the mine, or is the blasting done when the mine has been evacuated?

1220

Mr. Brady: I suppose it depends upon the extent of the blasting that is required. For example, in quarries, people and equipment are evacuated from the blast site. In a lot of instances in underground mines, people are evacuated and all the blasting is conducted at the end of the shift. There is some secondary blasting that goes on during the course of the shift when people are around, but we have some legislative requirements that workers are to be stationed in the area of a blast to guard against inadvertent access to an area where blasting may be taking place.

Mr. McGuigan: What about the actual person who triggers the blast? Can one person trigger it, or do two or three people have to insert keys and so on?

Mr. Brady: No, there is just one person in charge of that.

Mr. McGuigan: I was in a uranium mine when I was on the select committee on Ontario Hydro affairs back in 1981. I think they told us in the uranium mine that five people had to insert the key before they could actually blast. If any one of those five was not there--

Mr. Pakalnis: There is one person in charge. They use central blasting in the particular mine you are talking about, and because each person is responsible for a particular section, they ensure that each person has done his part before the man who actually is in charge can release it for blast. That is central blasting at the end of a shift. Correct.

Mr. McGuigan: That is not an absolute. It is not the case in every mine.

Mr. Pakalnis: No.

Mr. McGuigan: Should it be?

Mr. Pakalnis: Not necessarily. In some operations, if the blasting is done in a very isolated area of the mine, which might be separated by 1,000 feet sometimes, the blast in one area may not be have an effect anywhere else. If there is an effect--and we have had situations where the blast has triggered secondary dust explosions and that sort of thing--that is where centralized blasting and ensuring that everybody is out would make sense. What we require is a blasting procedure not necessarily specifying exactly how it is done. We would review the blasting procedures to make sure that nobody is affected when the blast does go off.

Mrs. Grier: I am interested in the frequency of inspections. Can I ask Mr. Brady how frequently he would be at one location?

Mr. Brady: That would depend upon the size of the operation and the number of people involved, depending on what some of the particular hazards may be. There were some comments earlier about shaft sinking, and we were involved in the sinking of a shaft at the Goderich mine approximately five years ago. In an instance like that, I think we might have seen inspector participation at that operation once every couple of weeks, whereas on some of the small sand and gravel operations we may only see once or twice a year.

Mr. Pakalnis: Mr. Chairman, if there are no questions at this time, then what I will do is leave the rest of the information I was going to present to the brief, and perhaps I can respond to any other questions at a later date. What I would like to do now, though, is to go to future directions and initiatives, the last page.

Mr. Chairman: Just before you do that, can we look briefly at the enforcement statistics?

Mr. Pakalnis: Yes.

Mr. Chairman: When there is an order issued, that means that something is amiss, right? It could be minor, it could be major. Is that correct?

Mr. Pakalnis: Correct.

Mr. Chairman: You issued 3,100 orders, and 76 of those were serious enough to say that work should stop at that site.

Mr. Pakalnis: That is correct.

Mr. Chairman: Out of those, there would be some overlapping, would there not, between the work refusals, stop-work orders and that kind of thing?

Mr. Pakalnis: There were 76 stop-work orders. They could have or even some of the orders actually could have resulted from either a complaint that was investigated or a work refusal that was investigated or one of our routine inspections.

Mr. Chairman: OK. You prosecuted in eight cases.

Mr. Pakalnis: Thus far this year, fiscal 1987.

Mr. Chairman: Right. Would those be eight different companies?

Mr. Pakalnis: Yes.

Mr. Chairman: Could there be more than one prosecution with one company?

Mr. Pakalnis: There could be but not in this case.

Mr. Chairman: OK. Out of those, you have two convictions?

Mr. Pakalnis: So far, because not all those eight have come to trial.

Mr. Chairman: I understand.

Mrs. Grier: I have a supplementary on that last question. When you get to an order issued, is that the first time a violation has been noticed or

do you have a step-by-step process where you would warn and then you would get them back and ultimately an order?

Mr. Pakalnis: No. The orders are issued when we first find it. If, in fact, it has not been complied with, then we consider prosecution. If there is a good reason why something has not been done by the time specified, for instance, some equipment has to be ordered and for no fault of the company involved the equipment could not be delivered by the time specified, then extensions are given to time frames. But there are no repeat orders. Frankly, we have a very good record in terms of compliance with our orders.

Mrs. Grier: What kind of a follow-up process do you have when you issue an order?

Mr. Pakalnis: We have a manual process that the inspectors keep in terms of having a return date. At their next inspection, they will look at it as well, physically. In addition to that, we have a requirement for the companies to send us written notification that the orders have been complied with. We also are working on an automatic system, a computerized system, to ensure that all the orders issued have been checked off by replies from the company or by verification by an inspector.

Mrs. Grier: When you issue an order, is there a date on it that says compliance by a certain date?

Mr. Pakalnis: That is correct. Either immediately or by a certain date.

Mrs. Grier: If it is by a certain date, is your coverage of inspectors sufficient that you can get back on or about that date and see whether in fact it has been complied with?

Mr. Pakalnis: Yes.

Mr. Chairman: My initial reaction, without knowing very much about it, is that first, three quarters of all inspections result in orders. I am using round numbers. I do not know whether that means you have crusading inspectors or negligent companies. Second, out of all those orders, 3,100, there were only eight prosecutions. It seems extremely low. I know that you like to use methods other than prosecution, but that really is an amazingly low statistic. Are my assumptions wrong?

Mr. Pakalnis: I might correct myself on the answer I gave previously. I think I misunderstood and then I rethought of it as Mr. Laughren was querying us on the numbers of inspections and how these are done. We would not necessarily go in on the date specified in the order. If we did not receive notification that the thing was complied with, then we would, in most cases, schedule an inspection to either verify or to reinforce the fact or find out why it was not carried out.

As far as the inspections are concerned, these inspections are very detailed. They might involve looking at three or four levels. The orders issued could be for housekeeping items, such as a rung of a ladder that is broken or some tripping hazard that has to be corrected. It would be highly unlikely that any inspector in this province would go into a mine and not find something. It is more unusual not to find something than it is to find something.

We have 232 regulations. That covers a lot of sins. So it should not be surprising that we do find infractions, because some of those infractions are not of a major proportion. Some of them are, but most of them are not.

Mr. McGuigan: Would any of these that resulted in prosecution have been those cases involving fatalities?

Mr. Pakalnis: That is correct.

Mr. McGuigan: Would all of them be?

Mr. Pakalnis: Not all of them, no. Some of them relate to critical accidents. At least one of them that I recall relates to an incident where there is no loss of life or anything, but it was a critical accident where we felt that compliance with an order would have avoided it, and therefore we took measures to prosecute the company in that particular case.

That is one tool that we have and it is a very important tool. We use it aggressively. These are not insignificant events for the companies involved. As you mentioned, we also have other approaches that we use to try to prevent accidents from happening, because obviously that is what our aim is, to avoid that next one from happening and to reduce the level of risk generally.

1230

Mr. Chairman: Are all those prosecutions against companies or are some against workers?

Mr. Pakalnis: In this particular case, none of them are workers. Some of them are against supervisors. Most of them are against companies. But we do charge workers, supervisors or companies. It just happens that in the particular eight you are looking at, they are not workers.

Mr. McGuigan: When you issue these orders, is there any public reporting of that, for instance, at the minehead or the employment office where people would be able to see it?

Mr. Pakalnis: Yes. The report of the inspection, in terms of what the inspector saw, who he was accompanied by, is posted in the workplace prominently. There is usually a bulletin board of some sort. That is posted, and any orders that he left. So anyone in that plant could see what orders were issued and what observations the inspector made. Copies are also given to the joint health and safety committees for review. They obviously look at what we found as well.

We are not the only ones inspecting. We are essentially sort of the final point. The company has its own group and also the joint health and safety committees inspect once a month. If they find anything, they recommend improvements or fixing of various safety hazards.

Mr. McGuigan: Is any of that reported in the newspapers?

Mr. Pakalnis: We do not report orders issued. Prosecutions are reported in the news media. In our quarterly reports that are sent to all the mining companies, unions and libraries that have requested it, we publish all of the results of the prosecutions that we have undertaken.

Mr. McGuigan: So if newspaper reporters were interested, the information is available.

Mr. Pakalnis: It is there. Correct.

Mr. McGuigan: You do not send it directly to them.

Mr. Pakalnis: No.

Mr. Leone: Can you give us some example of the results of the convictions--the types of penalties or fines--not specifically naming the companies?

Mr. Pakalnis: The maximum fine is \$25,000. In those two particular ones, if I can recall, the fine was \$15,000. It varies from about \$2,000 to \$15,000.

If I can go to the last slide, it talks about future directions and initiatives. In some way I talked about most of the subjects that were listed here, the findings and the implementation of the tripartite fatalities committee. I mentioned briefly the wire rope lab moving up to Sudbury. It is part of the miners' health and safety centre which essentially will allow us to do more technical work. It will form a centre of excellence in mining safety, we hope, not only for Ontario but for other provinces.

We have the largest inspectorate in Canada, probably equivalent to most other provinces put together, except for perhaps Quebec. So there is a leadership role in this whole area of safety, research safety, technology and technology development. We are looking forward to that.

I have talked about the national fatality study, the expansion of mine rescue and nonfire emergency response, the research into ground control and mine hoisting, the improvements in training, predevelopment review, the internal responsibility system and failsafe, the national mine incident database, expanding the requirements of the mandatory training under regulation 10 and, of course, regulation developments in areas that we think are required, such as loading pockets and shaft inspections.

To recap, in the beginning I mentioned there were three themes that I hoped to convey to you. The first was that much has been done in mining safety, and much remains to be done; second, that our primary mission is to reduce the risk of death and injury to the workers in Ontario, and that a tripartite approach with labour, management and government commitment is essential in identifying hazards, evaluating options and implementing optimum solutions to problems in mining safety.

If we can be of any help to the committee in terms of any information you require, any assistance you need in terms of the trips you are planning, we certainly would be pleased to assist in any way.

Ms. Luski: I noticed in your presentation under "contributing factors" you listed literacy but we did not have time to go into that. Will the brief you are going to be submitting later on address that at all?

Mr. Pakalnis: It will in general terms. It is a subject that has been identified as a concern globally in Ontario in all heavy industry. We do not have specific figures on our literacy problem. We do know that it exists. Yes, we will address it in our brief.

Ms. Collins: It is not a question but a comment. I want to compliment the ministry staff on the quality of the presentation today. It has given us a very good base on which to continue the work of this committee.

Mr. Chairman: Thank you very much. That comes from the parliamentary assistant to the Minister of Labour.

Thank you very much Mr. Pakalnis and Mr. Gladstone for your assistance and the backup team that you brought with you. The committee appreciates it. I am sure we will be in touch from time to time in the coming weeks.

Mr. Pakalnis: Thank you.

Mr. Chairman: On Tuesday morning we will meet again. Dr. Everett Hoek, from the faculty of civil engineering at the University of Toronto, will be before the committee.

The committee adjourned at 12:37 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

TUESDAY, JANUARY 26, 1988

Morning Sitting



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Farnan, Michael (Cambridge NDP) for Mrs. Grier

Lipsett, Ron (Grey L) for Mr. Brown

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witness:

Individual Presentation:

Hoek, Dr. Evert, Professor, Department of Civil Engineering, University of
Toronto

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday, January 26, 1988

The committee met at 10:12 a.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: The resources development committee will come to order as we continue our look at accidents and fatalities in Ontario mines. We have with us this morning Dr. Hoek from the department of civil engineering at the University of Toronto. Dr. Hoek is certainly more knowledgeable than those of us on the committee and has agreed on very short notice to come before the committee and share some of his views with us.

Dr. Hoek, will you take a seat at the table? We welcome you to the committee and appreciate your attendance. We have handed out a copy of Dr. Hoek's paper. You all should have it.

DR. EVERT HOEK

Dr. Hoek: Thank you for the invitation to come and speak to you. It was rather short notice. I have had to put together a brief, which I hope you all have copies of, and as I state in the introduction I have not really had time to do any research into this. I have put this together on the basis of my personal knowledge. I am going to talk to you on the specific issues of ground control and rock mechanics.

I presume you have copies of the Burkett report published in 1981 and the Stevenson report, which is this one, published in 1986. Both of these identify rock fall as a major hazard in the underground mining industry. Before talking to my notes, I would like to refer you to figure 1 in this report, if you have it.

Mr. Chairman: That is the Stevenson one?

Dr. Hoek: The Stevenson report. Figure 1 illustrates the fatalities per million man-hours worked versus time. It is on page 12. It shows a truly remarkable achievement over the years 1920 to the present time, where this fatality ratio has dropped from about one fatality per million man-hours to around about 0.2 at the present time. I think it has to be said that any mining country would be proud of that kind of record.

Further on in the Stevenson commission report, on page 16, there is a quotation from Dr. William Hustrulid who said "the mining methods, procedures and equipment used in Canadian mines are some of the most advanced in the world. They have a history of good mining practice and innovative techniques." I would like to start from that point, that Canada, Scandinavia, Australia and South Africa are regarded as the best mining industries in the world, so we are starting from a very high level of technology and looking for improvement on that, rather than starting from rock bottom and working up from there.

In my statement, I have given some definitions of what the subjects are. Rock mechanics, which you see referred to quite a number of times in the

Stevenson report and which I will refer to, is that body of knowledge which deals with the behaviour of rock as an engineering material. The response of a rich foundation or a building foundation or the rock around an excavation is dealt with by that body of knowledge that we call rock mechanics.

"Ground control" is a uniquely Canadian term that refers to the practical implementation of that body of knowledge. It is the practical techniques of rock bolting or screening or meshing that are used to control ground movement in underground mines.

Mr. Chairman: Excuse me, do you mind if we ask some questions from time to time as you go through?

Dr. Hoek: No.

Mr. Wiseman: You mentioned South Africa. Was it for its mining techniques rather than its safety that you were commenting on it and using it as one of the top four in the world? I think I heard something last week about South Africa having a lot of fatalities in its mines and seeming to push a lot of them off as acts of God, rather than things that could have been prevented.

Dr. Hoek: Incidentally, I graduated in South Africa as a mechanical engineer and have had a lot to do with the mining industries in South Africa, Australia and Canada. You have to be very careful when you compare statistics from the three countries.

In Australia and Canada, most of the ore bodies that produce the large tonnages are large, vertical drifting ore bodies. Many of them are mined by techniques that do not require the entry of men or equipment into the actual stope, as it is called, that is, the excavation from which the ore is extracted. That is not entirely true, because there are obviously other types of mines like cut-and-fill mines and room-and-pillar mines that do require entry.

The South African gold deposits, which are by far the biggest portion of the South African mining industry, are contained in a largely horizontally bedded deposition of strata which can only be mined by physical entry of men and equipment. There is no other way to do it. Therefore, in talking about mining in South Africa, the technology of mining is extremely good, as good as Canadian or Australian. Fatalities are a great deal higher because of the nature of the ore deposits, because of the fact that men have to go in there to get the ore, there is no alternative. You are exposing people to potentially hazardous conditions to a far greater percentage than you are in Canadian or Australian mines.

There is a whole issue, which I will touch on later on, of quality control and ensuring that the workman, when he is in the working place, does the right thing in terms of making it safe. That is an issue that is common to all countries; it is a major problem. You could easily argue that that quality control is not as well exercised in South Africa as it is in Canada and Australia. That would certainly be true of mines in Zambia, for example, where the whole of the mining industry has suffered enormously from lack of economic stability and so on, and the quality control issue there is a major factor. I would like to caution you about direct comparisons between these industries. They are very different.

1020

Mr. Chairman: I am a little confused about quality control. Quality of what?

Dr. Hoek: We are jumping ahead a little bit, but if you accept that the mining engineer has done all that he can to design a safe environment by choosing the size and shape of the openings and their sequence of mining over which, on a global scale, a mining engineer has control, there still comes a point at which a man has to go into an opening underground and get the metal out. At that point, he is subjected to the danger of rock fall or loose material around the opening itself, in the immediate vicinity of the opening.

There are a number of things that the man on the spot has to then do. He has to scale off the loose material. He has to secure that which is not immediately scalable with rock bolts or mesh. It is the control of those activities to ensure that the scaling is correctly done and that the rock bolts are properly installed, that the meshing is correctly done.

Mr. Chairman: That is the same as we do here.

Dr. Hoek: Absolutely. That is a universal problem. Quality control of those activities is a major issue in all mining environments.

Mr. McGuigan: Are you saying that is applied more strictly in South African mines than here?

Dr. Hoek: I would not say that. I would say there are many countries that I have been in--India, to quote one, for example--where the safety standards underground are abysmal. There are no requirements for hardhats or steel-capped boots or anything like that. That is not true in South Africa. Their safety standards are very high.

If I can then go on with the third definition, and the last one here, rockbursts are a particularly serious problem and they occur in hardrock, generally at considerable depths, depths in excess of 1,000 metres, where the rock stress is very high. These problems are common in Australia, in South Africa, in India, in the Coeur d'Alene area of the United States and in Canada. In Canada, they date back to the late 1920s, so they are not a new problem here.

They are explosive failures of the rock which occur when the stressed environment around the openings exceeds the strength of the rock. They are extremely difficult to predict. They are very, very dangerous. It is probably the rockburst that is feared more than anything else by the men actually in the excavation underground. It is the factor that, for all of our research and technology development over the last 30 or 40 years, we are still least able to control. I will come back to that.

There are two basic levels of mine design and planning which I would like to highlight before going on to my specific comments. The mining engineer looks at the ore body as a whole and might be concerned with a block of ground which might measure a kilometre by a kilometre, and looks at the regional geology, the stresses in the ground and the best way to approach recovering of ore from the point of view of the size of the openings, their shape, their orientation, and the sequence in which they are mined. That you might call macro design.

There is another aspect, and this is very clearly identified in the Stevenson report, which we will call micro ground control. That is, as I have already mentioned, having made those decisions, you come down to a point when somebody has to actually go into the opening. So there is the issue of how you design the immediate opening support, the rock bolts, the steel sets and the

mesh that go into that opening. These design aspects are highlighted in the Stevenson report.

Going back to the Burkett commission report, it recommends that each mining company operating in Ontario employ at least one professional engineer with post-graduate qualifications in rock mechanics. The parallel recommendation of the Stevenson commission says that mine design continue to be recognized as the sole responsibility of management and that management accept the need to use appropriate technology.

In my comments, I have said that the Burkett commission, in my view, is a little bit unrealistic in looking for a post-graduate rock mechanics engineer on each mine. That almost implies that a post-graduate degree by itself qualifies someone for mining design engineering, and that is not necessarily true. I can think of a lot of post-graduates who would not know how to start designing a mine. I have commented that, in my view, a mining engineer who has been exposed to the discipline and attended at least one intensive course is probably the kind of requirement that we, as a province, should be looking at.

At the same time, I do not want to suggest that post-graduate training is inappropriate; obviously, otherwise, I would be out of a job. But the role of the post-graduate mining engineer is probably in the research organizations, the consulting organizations and the in-house groups that are run by the big companies. Inco, Falconbridge and Noranda all have centralized groups which tackle the more complex and the longer-term design issues on their mines. That is probably where the highly qualified post-graduate belongs.

There is a real lack of people, particularly on the smaller mines, and there are 50-odd mines in Ontario. In some of the smaller mines, there is a distinct lack of people who have had exposure to this discipline. I will talk later on about some of the things that are being done to remedy that.

Mr. Wiseman: Could I ask if they have implemented the recommendations so that each mine now pretty well--you mentioned you might get to this later with the small mines--but do most of them have such a person as you just mentioned in the mines?

Dr. Hoek: In my experience of visiting Canadian mines, I have always found that there is a very high level of competence within the mine planning group, whether you can identify an individual who meets those precise needs. I really could not honestly say that every mine has such an individual, because there may well be small mines that do not or that are in transition looking for one, having just lost one, but certainly the bulk of the production which comes from the bigger mines, Inco, Falconbridge and Noranda, are very well catered for in this area. I suspect some of the smaller mines probably do not, but I do not honestly have that statistic.

On page 3, I mention an interesting statistic which comes out of a recent report by the Ministry of Labour. Their mining, health and safety branch carried out a survey of all the mines in Ontario, to which 40 mines replied out of a total, I think, of 47. I do not have that exact figure. Thirty-one of those mines are quoted as "having used numerical methods in the design of their backfill systems." That might not mean a great deal to you in the words as they stand there, but to me it implies a very high level of awareness by all of these 31 mines of the need to incorporate the principles of rock mechanics into their design.

I cannot say that they necessarily used it correctly, but certainly the

fact that they used it implies a recognition of its need. I suspect that statistic is probably higher than you would find in most other countries in the world; 31 out of 40 is a very high ratio.

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Going on to research, the Stevenson commission made a number of specific recommendations on research. I have repeated these in my statement, but they are obviously in the report. I would like to address some of these questions.

The first one is that the mining companies should be encouraged to continue conducting independent research as they see fit. I have already mentioned that the big companies--Inco, Noranda, Falconbridge and possibly others--have in-house research organizations of their own. They have indeed continued vigorously to pursue this area and others in their research activities, and I do not think there should be anything put in their way to deter them from continuing that, because, as you will see in a moment, there is a very strong movement to centralize research. I think that should not be done at the expense of those in-house research groups, because they probably are currently dealing with the most relevant research. They are the hands-on people dealing with day-to-day problems.

In responding to the Stevenson commission, the government of Ontario has taken a number of initiatives in the universities and colleges, which I will address in a moment, but specifically in the research field, in assisting the Ontario Mining Association, which took the initiative here to establish a Mining Research Directorate. This was debated for a long time. I assisted that group as a consultant and I also appeared on this issue before the Stevenson commission.

It was recognized that a great deal of research expenditure was being fruitlessly wasted in Ontario because of the enormous diversity of activities that were going on. There was very little co-ordination. Australia was looked to as a model because about 15 years ago they established a co-ordinating group called the Australian Mineral Industries Research Association, which has been phenomenally successfully in bringing together the research activities of the Australian mining industry, and is undoubtedly the envy of the rest of the world in that.

So the Ontario Mining Association, with very considerable help from the Ministry of Northern Development and Mines, as it then was, established this Mining Research Directorate, which is controlled by a board of directors and has a managing director, Charles Graham, who has an office in Sudbury. The intention of this group is to act as a broker, if I can use that term, to bring together the research needs of the industry and the research potential available through government research organizations, through industrial research laboratories, through universities and through the mines themselves.

It is a very, very significant step, and if it can succeed even partially to the extent that the Australians have, it will be a truly significant contribution to this whole area of mine safety. Now, it is very new. It really came into being only about a year ago. The first project has gone through successfully. This was the design of a portable backfill fence, which was a small item but at least it was a start. That board of directors is now looking at another eight projects which it is evaluating for funding.

That is a very exciting development. If it can be made to work, I think it will make a very real contribution to this field.

Mr. Chairman: Dr. Hoek, it is not restricted to health and safety, though, is it? It does all sorts of research, does it not?

Dr. Hoek: Well, there are a number of research bodies in Ontario which deal with equipment design or various health and safety issues. The Mining Research Directorate was established in response specifically to the Stevenson commission, and it was decided that its initial concentration would be on ground control and rock mechanics.

Now, there is nothing in its charter that restricts it to that at all, but it was felt that it should really get to grips with immediate issues, rock mechanics and ground control. From looking at the Stevenson commission, ground falls probably contribute about a third of the total fatalities in mining, so it is a major issue and it was felt they would make a start there and then expand into other areas once they had got this going.

Mr. Chairman: Are you familiar with the mine that Inco operates as a research mine? It is called the Copper Cliff North mine.

Dr. Hoek: Yes.

Mr. Chairman: I wondered whether or not the directorate had input into what went on there or whether that was totally an individual company's initiative.

Dr. Hoek: At this stage, it would be almost entirely company-driven because the Mining Research Directorate has only been a reality for probably less than six months. It was set up but it took that long to just get going, so its impact has been minimal. I would certainly hope that the time will come when it has a major influence on things like the running of the North mine--not the running of it but the research that is done in the North mine. It has no management function as such, so that was an error on my part.

Mr. McGuigan: I may be jumping ahead, but I see point 3, "This organization shall be funded by mining companies operating in Ontario, and by the federal and provincial governments." Is there any sort of rate base that is assigned to companies for a percentage of their gross product? How is that handled?

Dr. Hoek: This was debated at great length in establishing this body and two models were looked at. In the South African model, which is a government body, the South African Chamber of Mines levies a fee on each ton of ore mined or each ton of mineral produced. Some people argued very strongly that this was the right way to do it. The Australians have gone an entirely different route. There is basically a very small fee levied on the companies which provides only the overhead cost of maintaining the director and his office. Each project is then funded on its own merits.

What happens is that a mine might identify a need or a research body might come to the directorate with a proposal. The board of directors of the Mining Research Directorate would then examine that proposal in detail, perhaps go back and forward several times to fine-tune it, and then it would go to the industry, to each company in the industry, and say, "We have something here that we think will benefit you in the long run and we think you ought to contribute." Basically, every mining company that has that group of problems addressed by that research proposal would then agree or not to chip in the funding. That has worked extremely well in Australia and it was felt this was the route Canada would go, so there is no quantum of money accumulated by levying a fee on production.

Mr. McGuigan: I suppose it is too early to tell whether this is adequate.

Dr. Hoek: It is too early. I spoke to Mr. Graham last week on the phone and he said that the response so far was very encouraging, but it is very early days yet; it really is very early days.

Going on to universities and colleges, because this is where you raised the point from, the Stevenson commission had a large number of recommendations which you could take as a criticism of the universities as they existed, if you like. A number of these have been responded to and this is probably where the greatest evidence of response to the Stevenson commission can be seen. It is difficult to relate what has happened to the 11 recommendations which I will leave you to examine in your own time. Let me just jump to tell you what has happened. Some of these are in response to several recommendations lumped together.

First of all, under the sponsorship of the Ministry of Mines as it now is, two chairs have been established, one at Laurentian University which has now been occupied by Professor Peter Kaiser who took up his post in July of last year and the other at Queen's University. They are currently working on a short list of candidates. I spoke to the chairman of the department just last week and they are hoping to fill that chair very shortly.

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Those are very significant appointments in terms of the Stevenson commission recommendation 5, "That the mining industry shall establish a special chair in ground control at an Ontario university." The mining industry has not done it; the government has, but two chairs have been created.

Second, and related yet independent, my own chair at the University of Toronto has been established as a jointly funded chair by the Natural Sciences and Engineering Research Council, a federal body, and by Placer Dome Mines--Campbell Red Lake as it used to be. I moved to Toronto in July of last year to take up this chair. It was not initiated in response to the Stevenson commission, but it clearly was carried along by the impetus that was going on at that time. I have already been cross-appointed to Laurentian and I am currently working on having Professor Kaiser cross-appointed to the University of Toronto. We are hoping to complete the triangle once the Queen's person is in place.

There is a clear statement of intent on the part of the provincial government that these three universities should co-operate in this area. Each has quite distinct offerings to make to the total pie. It might mean breaking small rules or inventing some new ones but there is a determination on the part of everybody to make this co-operation work.

My third point is that as soon as the Queen's chair has been filled, it is the intention of the Ministry of Mines to pull these groups together to discuss how they can co-operate in the future.

Mr. Wiseman: And move them around in the universities.

Dr. Hoek: Yes.

Mr. Wiseman: You mentioned earlier on that some of the mines may not be able to find someone expert in this, the rock and the movement of it and so

on. Do you find that to be the case, that there are not enough people going into that area of study or that they are being pulled off by other people, other countries, away from Canada? Should they be encouraged at the universities to offer more courses in that area if there is a demand for people like that?

Dr. Hoek: It is a complex question. Engineering as a whole, right across the board, has suffered a decline in enrolment over the past five years or so. It is not unique to mining schools. Mining has never been a big attracter of students. The industry is not a glamorous one, as for example electronics or computers, so it has to fight very hard to attract students. Nevertheless, Canada has a mining industry and has a very high reputation all over the world. While we ourselves might not always produce the requisite numbers, there is a substantial attraction to mining engineers graduating elsewhere to come here. We do attract a lot of people from the United Kingdom, from Europe, from Australia and more recently from Africa who find it a very attractive place to come to.

It is difficult to say. If you look at the total flow from our own universities and recruited from outside, are there enough? I concluded that there probably are in terms of the more highly trained people, the people with post-graduate degrees. The one problem I think comes down to undergraduate training in that there is only one mining school in Ontario that currently offers a full mining engineering degree, and that is Queen's.

That is the only school currently operating a complete mining engineering undergraduate degree, and it is probably true that there are not now enough graduating from there. Could they attract more? That is difficult to say because, as I said, mining does not have a high image anyway and engineering enrolment as a whole is down, so what more one could do to attract students into that faculty I do not know.

Laurentian obviously is hoping to increase its ability in this field, and I certainly hope that it can develop into a full undergraduate mining school in time to come as well. That obviously is a logical place for it to be. The University of Toronto closed its mining school in 1967. It does not offer a mining degree and there are no others in Ontario other than Queen's and now, coming up, Laurentian.

Mr. Wiseman: Do they get a broad-based education on the different types of mining? I do not know whether we are unique in Ontario, but we have the hard-rock and we have the salt mines and we have different types of rock down there.

Dr. Hoek: Yes.

Mr. Wiseman: These people coming in from other countries who you mentioned could fill these gaps, would they be taught the same kind of controls as we would basically be in this country? Do they have granite and something else to work with?

Dr. Hoek: Yes, that is certainly true of South Africa and Australia. Their rocks are very similar, only the South African mines are different because, as I described earlier, their ore bodies are of different shapes. They have a slightly different emphasis but they are certainly adequately trained there; there is no question about that: Many of the Europeans--I am talking about people from Poland or Czechoslovakia--would have a very good grounding in this. They would probably have a slightly broader grounding in coal, potash, salt and the softer rocks than people trained in Ontario.

In other provinces, in British Columbia or in Saskatchewan, we do train people in coal, in soft rocks, because those predominate in the west but Ontario tends to be hard-rock mining so that is where our emphasis tends to lie.

Mr. McGuigan: Just as a supplementary, with the high activity in the mines today, are salaries reflecting the shortage of people going into this type of training?

Dr. Hoek: I do not think salaries are really an issue. Salaries in the mining industry where people specialize in this field are certainly competitive with anything else. I think the problem starts right at enrolment into first-year university. There are just not enough of them. As I say, that is not a problem that is unique to mining; it is a problem for engineering, period. I do not think salaries are really an issue.

Mr. McGuigan: I was on the Hydro committee and had a little bit of exposure to mines at that time because we were studying the mine sites for extracting the uranium ore. I remember one of the criticisms lodged was that when a mine did secure an engineer with a rock mechanics background, it was difficult to keep him underground. He tended to be promoted to managerial or university or whatever. It was difficult to hold him there where he was needed.

Dr. Hoek: That is a very big issue which I have addressed many times. I did not address it in these notes but I did to the Stevenson commission and I have written about this many times. If you take a young person who has graduated with perhaps a master's or a PhD in rock mechanics and you put him on a mine, he generally is a very bright person with a potential for doing anything on that mine.

One of the most damning comments I have ever heard was from the chairman of Mount Isa Mines in Australia, which is one of the finest mines that I have ever been to. He was talking about a particular individual who had a PhD in rock mechanics. He said: "That man is too good to leave in rock mechanics. I am going to take him into management."

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There is a real problem within the management structure of the mining industry, so that people see their progression basically on the operation and management side and somebody who is stuck in a service department, be it in geology or in rock mechanics, tends to be in a little bit of a backwater and sees himself or herself as missing the promotional opportunities that are presented to those in the management stream. I know a number of people who have transferred from the technical field into the management field because of that.

I do not always regard that as a loss, because having a manager who has that depth of experience in the field cannot be all bad. It does rob the technical group of hands-on people. There is no question about that and it is a big problem.

Mr. McGuigan: It probably runs through the whole field of engineering that people who excel at what they are trained for find themselves moved into positions for which they were not trained. I guess it is the Peter principle. Unfortunately, some very good people trained for a specific thing demonstrate their competence and then they end up in a higher position and one for which they were not trained.

Dr. Hoek: Yes. I have often tried to persuade mining companies to set up a career structure for their technical specialists. Some of them have, but it very seldom works, unfortunately. This is a big problem.

Mrs. Marland: I am wondering, Dr. Hoek, how that could be changed. Listening to this, I think we would all agree it is actually a very serious evolution. I think it can be compared to the excellent classroom teacher in a teaching facility, whether it is post-secondary, elementary or secondary education, where they then become the vice-principal, the principal or the superintendent. They get further and further removed from the classroom, in which they excel, perhaps even in the environment that they are happiest, but because of the hierarchy system and the relative salaries to that hierarchy movement, they have to move.

When you talk about the technical specialist being taken out of the field that they chose because obviously they wanted to be there, and if they had the training and the ability to be there and be effective, the motivation to encourage their employer to make it appealing that they can stay there and not move out and on--I mean the out and on is the wrong aspect of it. It is interesting to hear you say that you have tried to encourage some companies to do that. I realize this committee cannot really get into recommendations that would be mandatory towards the private sector, but is there any way that you think, as legislators responsible for this area, which does directly relate to mine safety ultimately in Ontario, is there any approach that you think we could use?

Dr. Hoek: It is very, very difficult to see a solution to this, because it is so much driven by the individual in that position. If they see an opportunity elsewhere in the organization, legislation or anything else is not going to stop them moving. That is probably the biggest difficult, that it is driven by the individual.

Mrs. Marland: But it is driven by the individual often, as in the teaching profession, based on economics, I would suggest, and it is the company that offers the higher salary.

Dr. Hoek: There obviously has to be some truth to that, I would agree. Yet, as I said earlier in response to another question, I think salaries are good in this field. So just how good can salaries be to reverse that flow and how do you then relate that to somebody working in the technical field who is not that kind of specialist? There are geologists and technicians in the same field to whom clearly you cannot pay exorbitant salaries.

There are some outstanding groups working in research cells, if you like, in industry. There is no question that a few of them have not suffered at all financially and have seen their careers as being satisfactory. But the marginal person, I think, would tend to be syphoned off into the production line. I do not know that there is an easy answer to it. I certainly have not found one.

Mr. McGuigan: If I could just make a comment here, Mrs. Marland, I think probably medicine would answer that better than other areas. A brain surgeon tends to stay a brain surgeon, I guess, until he gets elected to the Legislature.

Mr. Wiseman: But he did that after--

Mr. McGuigan: They do tend to stay in--

Mr. Chairman: It is like back-benchers.

Interjection.

Mr. Wildman: No, he went into administration too.

I think that, as you indicated earlier, it must be an advantage to have people who have strong technical expertise in management positions and responsible for the overall operation and design of a mining operation. I would hate to see all our mines, or any companies for that matter, only run by people with degrees in business administration, or accounting or marketing, and things like that.

Surely it is useful to have people who have some understanding of the problems underground, particularly as they relate to occupational health and safety, in positions that will influence how the mine is to operate and who are not only looking at the bottom line on the balance sheet.

Dr. Hoek: I agree with you absolutely. In fact, it raises an issue of historical significance, in that if you look at this whole subject that we are talking about today, it is probably only 20 years old. In fact, I was one of the first holders of a chair in the subject at the Royal School of Mines in London. That was in 1966, so that is not that long ago.

Many mine managers and senior mine people today never had anything to do with this subject matter in their undergraduate work. To a very large extent, that will be remedied as time progresses, because it is now very clearly a part of all civil and mining engineering curriculae. People coming up now through the ranks have had training in rock mechanics and ground control, or whatever you like to call it, as part of their university education, and that will remedy the problem to some extent.

The best example I can give you goes back almost 20 years to Mount Isa in Australia where, through extraordinarily farsighted management, they did have a group of highly specialized people. At one time, I think they had about six PhDs in their research department in this field. If you go to Mount Isa today, you would find that is largely disbanded and you might say, "That is a tragedy." It is not, because what has happened is that knowledge has been so far disseminated down the organization that effectively everybody practises in rock mechanics, right down to the people working underground. Ultimately, that will be the solution.

If you look at other fields in engineering which are a lot older than rock mechanics, all engineers have that background and have that ability, and some become more specialized than others, but everybody can do it. That is not true of rock mechanics today. So, to a certain extent, time is what is required to heal this problem.

Mr. Leone: I do not know whether you can tell me what the response of the mining industry has been regarding recommendation 8, the sponsorship of employees' attendance at courses and recommendation 11, the sponsorship of qualified employees for post-graduate degrees. Did they start and what have they done so far?

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Dr. Hoek: The answer is yes to both of those. First I should say that the initiatives that have been taken, which I have listed on page 5, are

very recent. The two chairs, mine and Professor Kaiser's, only came into operation in July of last year, so they are very new, and the Queen's chair is not filled.

Nevertheless, going back two or three years, I have now run three courses in Sudbury, and there have been others. Looking back over the past two or three years, there have probably been five short courses in and around Sudbury and they have been extremely well attended by people who have come from the industry--and these are all participants directly from industry--for a week or sometimes more. Those have been extremely well attended.

In terms of people coming back to do post-graduate degrees, it is a little bit early to tell, but certainly I have had some very serious inquiries and I anticipate there will be people coming back out of industry to do that. It is a little bit early to answer your question in detail, but I see all the signs of that working.

Mr. Leone: In other words, when the employees attend these courses, they have the co-operation of the industry by pay being paid and everything?

Dr. Hoek: Absolutely.

Ms. Collins: Where do most of the mining engineers come from? Which parts of the province? Are they coming from southern Ontario or from northern Ontario?

Dr. Hoek: I have to guess that a large number of them tend to come from northern Ontario, because it is the sort of industry where very often you will find that children follow in their father's footsteps. It is an industry that has a great deal of difficulty attracting people to enrol at university. Probably the most powerful weapon they have is that somebody in the family was in mining, and that tends to be concentrated in the north. That is not, of course, at university, where there are people who come from the south, but I have to guess that the numbers are relatively small.

I have already talked about the several short courses that have been run in item 5 of my response on page 6. Item 6 is another initiative taken by the government of Ontario, and I am not sure which ministry is responsible for this. The Cambrian College of Applied Arts and Technology has created the Ontario Centre for Ground Control Training. What they are charged with is producing videotapes of safe mining practices, the quality control issue we addressed right at the beginning of this discussion, how to put in rock bolts, how to do meshing correctly.

These videotapes are being produced--they have just started this--and it is intended that they will be available to any mining company anywhere in the province. They would be able to have a meeting of any level of people in the mining industry and have access to these videotapes. I have visited that centre. I know the person, Mr. Shannon, who is doing it very well. If anybody can succeed, I think he will. It is a little bit early yet to see how it is going.

The last item I have addressed in here really has, you might say, very little to do with rock mechanics. It comes down to the micro control, that is, the immediate surrounding. Once you have done everything else you can, you still have to go and get the rock out. The Burkett commission in particular suggested that, wherever practical, fall-on protection be installed on all man-operated underground equipment, in other words, a cage of some sort be

built over the operator cab. That has certainly been going on. I have seen a number of them in my visits to mines, but there are a few other activities I would like to mention that have gone in parallel and helped this a great deal.

First of all, there is the gradual change from what you might call generically entry mining methods to nonentry mining methods. To illustrate what I mean, one method that used to be used a great deal was "cut-and-fill" mining, where in going into a steeply dipping ore body, the ore is mined from a platform built of mine waste. You are actually working the roof and blasting the ore down on to this platform. That clearly implies that somebody has to go in there and do the drilling and recover the ore. You are exposing people to an inherently unstable situation.

Mr. Wildman: You are starting at the bottom and working up.

Dr. Hoek: You are starting at the bottom and working up. Now, starting at the bottom and working up is not necessarily dangerous, but going into the stope has to be dangerous because the process of recovering the ore is one of destroying the rock. It has to be broken.

Mr. Wildman: You are breaking the rock above your head. That is where there is going to be material falling.

Dr. Hoek: That is right. There are situations where that is the only mining method you can use. That is where screening and bolting become very important, but, wherever possible, the Ontario industry has switched to what one would call bulk mining methods or nonentry methods where basically you would go in from a development at the top of the ore body, drill down, blast the ore and recover it at a lower horizon through a stable tunnel. In extreme cases, you can even send in a remote control vehicle to recover it from the drill point. You are not exposing men or equipment to the potentially unstable conditions of being inside the stope itself. That has been a very significant contributor to the reduction of fatalities from ground falls.

Mr. Wildman: It has been suggested on occasion by some members of the labour movement, and this was dealt with by the Stevenson commission, that perhaps the very bulk mining, which has the advantage you just described, may also be related to what some people perceive as the increasing number of rockbursts.

Dr. Hoek: I would find that impossible to answer in any scientific sense and I have been involved in rockburst research since 1958. I could see no possible technique today at our disposal that would enable you to determine absolutely whether that was true or not. It could be, but I can honestly say to you I could see no possible way to establish that.

Mr. Wildman: Determining whether or not that is the case.

Dr. Hoek: Yes. We have learned a great deal about rockbursts in the 20-odd years or more that people have been working on them. The first report in Ontario was in 1942 by Professor Morrison. Canada has been at this a long time. We have learned through the installation of microseismic listening devices, through looking at the distribution, statistical history, where they occur, because the rock is highly stressed. We have learned in global terms how to try to avoid them, but we have been unable to fine-tune that knowledge to the extent where we could say, "This type of opening is better than that type of opening."

I have to draw the analogy of earthquake prediction. If you have watched

any of the Nova movies and so on on the San Andreas fault, we know why it is there. We know that an earthquake is going to occur, but with the best technology in the world we are totally unable to predict where and when exactly. Exactly the same applies to rockbursts. Our knowledge is simply not refined enough, and it may never be, to enable us to make that kind of conclusion.

Mr. McGuigan: Can you tell us in simple terms, without going into too much detail, how you sense the pressures and where there might be a rockburst, using microcomputers and all those sorts of things? Could you just give us an overview of how that works?

Dr. Hoek: In extracting the ore from a deposit, what you are doing is removing rock which, before you removed it, carried the load of the column of rock above it. When you remove that material, the load has to be carried somewhere else. It is diverted, if you like, around the pillars. Imagine this room was filled with rock originally and it was carrying a column of rock, which might be 3,000 metres above it, because these mines can be very deep. You have now taken this away, so the stress has to be distributed into the walls.

If you have a whole series of openings, the stress in those pillars can become extremely high, particularly if they are what we call remnants--in other words, there was a piece of waste rock which was left there and which sits as a hard inclusion. It is rather as if you left a golf ball in your bed, for example; you would pretty soon know there was a hard inclusion there that would irritate you.

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In the same way, that inclusion attracts a lot of the tension from the rock stress, to the point where it might burst. Before it bursts, there would be some microfracturing going on, which you may be able to detect, in theory. That is the hope. The current reality is that our instruments are not sensitive enough to detect that. What we can do is to compute that if you have a particular shape of pillar in a particular mining arrangement, the stress on it might be high enough to cause a rockburst. So you could say, by looking at the overall geometry of a mine, that it is likely that stresses in this region would be high enough to cause a rockburst. You can detect it after it has occurred by listening to it with geophones in the same way that we detect earthquakes. So you have very sensitive listening devices on the surface--in fact, they are scattered all over Canada--to detect earthquakes anyway, and these will tell you where the rockburst occurred.

Now, that is after the event, so historically we can build up a picture which says that we did a mathematical analysis which predicted this as a high-stress area, and historically it proved that we did get rockbursts there, so the two are correlated. What we have to do is to be able to move that prediction far enough ahead that we can at least minimize their occurrence--we will not eliminate them; that is impossible--or perhaps get them to occur at times when it does not matter.

To that extent, I think, there has been significant advance. We now know what not to do in terms of laying out a mine. We still cannot avoid them altogether, but we know--as, for example, you would say we should not build on the San Andreas fault. People still do, but we know that we should not. In the mining industry there is a lot that we have learned that we should not be doing. Sometimes we can avoid it, but not always.

Mr. McGuigan: You mentioned that some of the pillars and supports might be waste.

Dr. Hoek: Yes.

Mr. McGuigan: Is there an economic pressure on mine managers and so on perhaps not to leave the very best--

Dr. Hoek: Clearly that is absolutely true, and I would say that much of the mine planning of the last century was probably done that way. You simply went off to the ore where it existed, and if you did not find ore, you left it. It was very quickly realized, as the rockburst problem became a major issue, that that was not a good way to mine, so these days in general you would look at mining a total deposit not only in terms of its grade but also in terms of its rockburst potential. Even if there was waste which, economically, you would not like to take, if it is going to cause a hazard to leave it, it will be taken out. That practice of what is called in mining terminology high-grading has largely disappeared.

Mr. McGuigan: In the British Columbia forests there are a lot of complaints about the habit of high-grading.

Dr. Hoek: Yes.

Mr. Wildman: --related to backfilling, for instance, that have been used to try to make it less likely that a rockburst might occur?

Dr. Hoek: Yes, backfilling is used a great deal in the mines of all of the countries that I have mentioned, and I think it has a beneficial effect. Sometimes it is too late; sometimes it is just not possible to get it in in the right sequence, but backfill is one of the tools that is used effectively to control rockbursts.

Mr. Wildman: There is a difficulty, though, an economic problem in terms of backfilling, I would think, in that what is not ore today might indeed be ore in the future in different economic circumstances. If you backfill the shaft, it is going to make it almost impossible for you ever to mine it at some future date if it were to become economic, because the backfill itself would make it uneconomic.

Dr. Hoek: That is right. The backfill would, in many cases, totally preclude any re-entry of that mine. So it is a decision that has to be made. I must say it is a very difficult one to make, which is why in some cases backfill is not used where it may be beneficial from one point of view but it may sterilize the deposit completely. Those are real issues that have to be faced all the time.

May I just mention one more thing? I have said that the change from entry to nonentry mining has been an important one. There are also significant developments, which I would not like you to miss, where there is a tendency to use remote-controlled equipment.

I mentioned one here, one of several. Inco has commissioned Spar Aerospace to make a remote-operated drilling, rock-bolting and screening machine. So this machine will actually carry a carousel of rock bolts and mesh, and an operator who would be then under already screened and meshed rock, would operate this way out in front of him and it will automatically drill and place those bolts and mesh.

That kind of development, which obviously is very costly, is taking place all the time.

Mr. McGuigan: I have a further question on that. What, if anything, can the industry or ourselves, all the people involved, do about the long-term effects of mining in the matter of health related things? What can we forecast or speculate as to what might be injurious over the long term and try to avoid those? Is any research being done in that regard? Can you get a handle on it or can you deal with it only after the fact?

Dr. Hoek: I certainly am not qualified at all to talk about things like health issues and the medical side of this business. There are a number of issues in looking back at the ills of the past and saying that these constitute a hazard today. As you are probably aware, there are old mining areas throughout the province where there have been cave-ins and collapses. Those are issues that simply have to be addressed as they are found.

I think today there is very little in the way of remnant activities of that type, that I am aware of anyway, that would leave our children and grandchildren 50 years from now with the kind of problems that the province is having to face today in some of the very old mining areas where they were simply mined very close to surface and where the openings are collapsing now.

Mr. Wiseman: You started off earlier by showing us the chart on page 12. I believe you were saying that most places would be envious of a record like that. I was just reading your resumé at the back, with your experience in different countries and one thing and another. Does that not only hold true for Canada, but is it your experience in other countries?

What we are looking at are the accidents and how to avoid them and so on. It would appear from this chart that we are starting at a lower base than some other countries or even some other provinces. How realistic is it with this type of work, dangerous work underground, that we can get down much further without a lot more expense to the industry, or will we ever get down much further than we are today?

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Dr. Hoek: I think the answer is yes, I think we can do better. There are clearly always going to be pure accidents where somebody trips over an electrified wire and it really makes no difference whether he is working in a mine or walking across the street. I think those have to be recognized. There will always be a base level of accidents that will happen.

But I have certainly seen, in the 20 years I have been working in this field, that there has been a very substantial increase in the knowledge that we have available to address all of these problems, and what I see now, or for the next 20 years, is an implementation of that knowledge. Very little of the research type of knowledge has been fully implemented.

I have also mentioned the question of education. I think that as graduates of today work their way up into the management structure and up into the senior technical levels of the mine, you will find a lot of the issues that we have talked about here being done on a day-to-day basis. Today it is done rather like firefighting. It is the exception rather than the rule.

Canada is getting to the point where it is becoming the rule, and the time will come when this knowledge will be much more effectively applied than

it is today. I think there is a potential for reducing fatalities further, at least those fatalities that you could say are directly related to rockfalls, rockbursts and issues of that kind over which we have some control.

Mr. Wiseman: We heard last week that before a miner goes underground now, he or she--I guess it is mostly all he's now--has to have some basic training. I know of some people when I was younger who went up north, and I think they pretty near went right into mines as soon as they were employed. I wonder if that sort of training will not reduce even further the chances of accidents--you know, some of these careless ones that are going to happen because we are human beings and we will make mistakes. But if we can educate them along that line, I wonder if that is not a good way, too. I just wonder what they do in other countries. Are some of them still putting them in the mines almost immediately, or do they all have pretty much the same basic training that we have in Ontario?

Dr. Hoek: I would like to restrict my remarks to countries that are considered big mining industry countries, generally Australia, South Africa, Canada, Sweden, where there would be a good level of exposure--you can always say not enough--of anybody going underground to basic safety issues: how to handle scaling, bolting, etc. That will be common across all of these big countries, and Canada certainly ranks high in that regard.

I think there is still need for more. I mentioned earlier the making of videotapes by the group at Cambrian. I think that will help a great deal because these are intended not to be trivial comic strips but certainly to be able to convey some of this information in a much more easily understood manner. As I am sure you have appreciated in some of our discussions this morning, I have had some difficulty communicating some of these concepts to you, and it is not at all easy to take all levels of people working underground and talk to them about the mechanism of rockbursting or the stress transfer and so on. Those are not simple concepts, but a real effort is being made to make everybody in the mine aware of what is going on there, and I think that will help a great deal, because a knowledgeable worker is going to be a safer worker.

Mr. Wildman: I have two unrelated questions. The first one deals with the economics of the whole thing. Obviously, safety in a mine is an economic factor that management has to factor in in determining whether or not it is going to be an economic operation. There are those who would suggest that on occasion, perhaps, corners have been cut on safety in order to maintain the economic viability of the operation. Would you agree that one of the best ways of ensuring that the kind of pure research that is being carried out can in fact be applied is if it becomes uneconomic for a mine to be unsafe?

Dr. Hoek: Let me get my mind around that question.

Mr. Wildman: In other words, it is going to cost the operation more if it has accidents than if it does not.

Dr. Hoek: Again, I think one has to distinguish between two types of problem. The shortcuts that I could see being taken could be those where it is clearly evident from an inspection of the mine layout and the extent to which the mining is already carried out--I mean evident to somebody who might work in the Ministry of Labour or might be a consultant--that continued activity in that mine would be increasingly unsafe.

There is obviously an enormous pressure if you are in a remote community

and you are the only employer in town, to keep that operation going at whatever cost, but there must be a point at which it becomes evident. Hopefully, the Ministry of Labour, through its health and safety branch, would have a monitoring role there to say, "Clearly, you are now beginning to encroach beyond the limits at which this mine can be safely operated." You are going to induce, as a result of the mine planning the exercise--nothing to do with what the worker does--unsafe conditions like the rockburst problems that we talked about earlier on.

Hopefully, there would be some mechanism for stopping, by legislation or economics, that kind of exploitation. It might carry with it a sting in the tail, in that you might have to deal with the unemployment that results as a consequence of shutting that mine down.

Mr. Wildman: I appreciate your answer, but I was not just referring to the possibility of actually shutting down. Obviously, if you come to a situation where to continue operating in a certain area is becoming more and more unsafe, then that is what you have to do. You have to shut down.

Dr. Hoek: That is right.

Mr. Wildman: I was talking about the day-to-day operations. I suppose you could look at it on the basis of just the miner underground. If the miner himself or his team comes to the conclusion that they can make more money by taking shortcuts, they might be tempted to do that. I think the same might apply to the foreman in his supervision. What I am suggesting is, if the situation could be that it was more expensive to take shortcuts than not to, would they not be in that way encouraged not to take shortcuts?

Dr. Hoek: I think there are two answers to your question. Again, yes, those abuses do go on and we all know about them. Those shortcuts are taken. To a large extent, that is perhaps a consequence of the lack of knowledge on the part of the miner, because he is putting his own life on the line. Coming back to my earlier comment, an educated miner is going to be a safer one; somebody who knows that if he does not put in rock bolts in a certain pattern, he is creating a hazard to which he is going to expose himself. So education--and I do not mean PhD-level education; I mean videotapes and worker education--is an essential component of what we have to do.

I think there is also the other side to the coin in that the whole bonus system that is used by the mining industry needs a close look at and in some cases perhaps restructuring. Let me give you an example. It is not related to safety at all. In order to recover core for geotechnical purposes, in order to get a piece of diamond drill core that is really worth looking at, we had to fight long and hard to change the system of payment. In the old days, a driller was paid by footage, so the more feet or metres he drilled, the more he got paid. That guaranteed you did not get very good coal coming out.

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Today, for the type of recovery we are looking at, the driller is paid on recovery and not on footage. That sounds like a subtle change but it is an enormously important one. I think if you look at the bonus systems that are in place or the payment structures, some of those evolved in earlier times when different techniques were used, and I think some of those would have to be re-examined, to address your specific question.

Mr. Chairman: Would you lean more towards what Burkett said about having bonus based on a broader group of workers rather than an individual bonus?

Dr. Hoek: I really do not feel qualified to answer that. I would have to think long and hard about it. I do not feel qualified to answer it.

Mr. Wildman: Burkett was talking about looking at an overall operation and determining the bonus payment on the basis of that operation rather than on an individual or a small group.

Dr. Hoek: Just shooting from the hip, I think that would engender safety among the group. The individual bonus system that operates today, by and large, does tend to cause the individual to look after himself.

Mr. Wildman: Or endanger himself.

Dr. Hoek: Or endanger himself.

Mr. McGuigan: Along that same line of questioning, I have experience as a production owner and manager in different fields and I have some ideas as to how these things work.

It seems to me the owners of a mine today, with the Workers' Compensation Board putting a reassessment on them--in other words, penalties for accidents--probably fully realize it is going to cost them more money in accidents than they are going to save by cutting corners. There is a case right now--we cannot talk much about it because it is only in the preliminary stages--where my guess is it will cost that mine a whole lot more than had it fixed some mechanical devices.

I think the pressure comes, though, from the production manager, who feels he has to get so many tons out today, he has an order at the mill, so many tons have to go to the mill, so "We will fix that another day," and that sort of thing. That is where the pressure point comes.

I noticed--it is in a press report so I guess we can talk about it--that at a point where this accident happened, a miner had previously refused to work there because he saw the inherent danger. In the long run, had other people picked that up, the cost to the company would, in my mind, have certainly been less than it is with those who did not know about it or knew about it and did not take the same precaution that he did. In my mind, that is where the pressure point comes other than, say, the gross case where they completely ignore it.

Dr. Hoek: I agree absolutely with you. That is probably the most difficult to police because it is not unique to the mining industry. It applies to any industry. What is different about the mining industry is that you are sending people into a dangerous and hazardous environment.

Again, as I have suggested, time and better education and people coming up through the system knowing more about what they are doing is going to help, but you are always going to get somebody who is going to push his luck. I hope we can reduce that incidence. But I agree with you, that is probably a major source of problems at the moment.

Mr. Wildman: I have one final question. When you were talking about pre-eminent countries in mining and mining safety such as Canada, South

Africa, Sweden, Australia and, I suspect, the United States as well, you talked about the research that is being done and the attempt to share that research around the world rather than having it duplicated in different countries.

It is not part of our mandate, but I am interested in finding out what attempts are being made by mining companies here, the industry as well as academia, to share our research and information with Third World countries that may not have the resources to carry out that kind of research and apply it themselves, such as your own native Zimbabwe, for instance, or Latin America. Are we doing anything to try to assist those countries to develop safer standards to ensure that what we are doing is not only benefiting us, but others in the industry around the world?

Dr. Hoek: I am not aware personally of any direct action that is being taken in the sense of a committee or an agency providing assistance. I think probably the greatest benefit comes from the tradition in the mining industry, which is very strong, of people working overseas. Very often, if you look at countries like Zimbabwe or Brazil or whatever, you will find Canadians and Australians doing their stint. It is a very strong tradition in the industry that you go out for four or five years and work in one of these places to gain experience. I think that carries with it a tremendous benefit to the recipient country, but there is nothing formal about that. It just happens.

Incidentally, I should mention, in case you think that the countries mentioned are the only ones, Chile is probably one of the world's leading mining nations as well. I cannot speak for its safety record, but certainly in terms of its technology it is very impressive.

Interjection: Or for its political system.

Dr. Hoek: That is right.

Mr. Farnan: If I could bring you back to page 3 and some of the comments you made at that juncture, you may throw some light on this for me. You mentioned that in implementing innovative techniques that would be a central body that would be the engine for this, there were two models looked at at the time, the South African model and the Australian model.

The question centres around the South African model. I believe you said there was a fairly substantial fee, a very direct levy, with basically the government being the driving power behind innovation. With the Australian model, you said there was a smaller fee, a fairly small board and a company spends voluntarily. I do not think you seemed to prefer either. You did suggest that Canada was adopting the Australian model. Do you want to comment on that for a moment?

Dr. Hoek: In fact, I do prefer the Australian model for the very reason that it has worked extremely well. If I can think of any country where the exchange of technology has really happened, where there have been very real advances, and not only advances in university-type research but the application of that into the hands-on field people, Australia has clearly succeeded in doing that. Simply on that basis, I prefer it. It has worked extremely well in co-operation with, but with very little pressure from, the Australian government and almost independent of it. Can it work in Canada? I do not know.

Mr. Farnan: I think basically what you are saying is that what works best is what you would support.

Dr. Hoek: That is right.

Mr. Farnan: My question then is, all the companies presumably would benefit from these innovations?

Dr. Hoek: Yes.

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Mr. Farnan: It would occur to me, then, that it is reasonable to expect that they should all contribute. Yet under the Australian model, a company could back off contribution and yet benefit in the long run from the innovation. It seems to me unfair.

Dr. Hoek: That was a major concern in Australia. In fact, I played the same role in Australia as I have recently done in Canada. I was involved in discussions with them when their whole system was set up about 15 or 20 years ago, and that was a major concern.

In practice it has not turned out that way, because sure, you do get a company that will back off and not support a particular project, but it will pick up another one that someone else has dropped, and the swings and roundabouts over a five-year period have levelled out so that there have been very few what you might call freeloaders. It just has not turned out that way.

Mr. Farnan: Is there a monitoring agency which evaluates the contributions of the companies to identify freeloaders and perhaps to see that there is some penalty for a company that is not actually participating in promoting innovative safety measures?

Dr. Hoek: Yes, there is a monitoring agency which is the equivalent of the Mining Research Directorate, and on its board are members of all of the major companies or all the participants. They are aware, through a very close-knit network, of who is doing what to whom. I am not aware of any penalties. I think it is simply a question of peer pressure, which is very strong.

Now, you could clearly get a company really thick-skinned enough to ignore that pressure and contribute nothing and yet benefit from the developments; that can happen. The only answer to that would be the obvious alternative of a legislated or mandatory fee. Australia has not found it necessary, and I would hope that Canada can work the same way, but I have no guarantee of that.

Mr. Farnan: Maybe I am mixing apples with oranges when I ask you this question, and you can clarify this for me. One of the government representatives on the committee asked the question, how far have we gone and have we achieved such a level of excellence that maybe there is not much more we can do?

Mr. Wildman: He is a Conservative.

Mr. Farnan: Sorry, my apologies. They all look the same. No, I withdraw that remark. One of the members of the Conservative Party did make that point.

Mr. McGuigan: Old habits die hard. That was two and a half years ago.

Mr. Farnan: OK. Well, I am new myself. I do not know and I apologize for that.

But one of the members of the committee did make the point that we have come a long way, and maybe it can be argued that, gee, there is not much further we can go. Perhaps even mining companies can assume that kind of rationale in rationalizing that noninvolvement or nonfinancial support to new initiatives. How far do you go and how far do you continue to contribute?

It occurred to me that when you get to a certain level of safety or innovation for safety measures, there needs to be a little bit of a push or a little bit of pressure. Perhaps that has to come from an agency outside of the mining companies themselves and, in that regard, the South African model, perhaps when you reach that level you need a little bit of pressure. Are we at that stage in Canada?

Dr. Hoek: I hope my presentation today has not given you the impression that we are home and clear and that we need not do any more. That certainly is not the case. You might say that we have cars that are perfectly adequate for getting us from home to office, yet we still look for improvements in them all the time, and I think we have to do the same with the mining industry. There is a lot that can still be done.

I think the system we have in Canada caters to that. One hopes the economic peer pressure will encourage those companies to contribute to research and innovation, but those who do not, I think, fall under the scrutiny of the Ministry of Labour in the inspection branch, because there is a mandatory requirement that mine plans be submitted, that mine alterations be submitted to that ministry for scrutiny. I think there are enough experienced people in the mining health and safety branch to see major discrepancies; they are visiting mines all the time. So there is that legislative body that is there to deal with it.

That is equally true of South Africa and Australia. In South Africa it is carried all the way through, so the whole thing is government from top to bottom and it clearly works. But as I say, we have two different agencies, and there is certainly the government body, through the Ministry of Labour--and there may be others--that picks up the stragglers and the people who are trying to shortcut.

Mr. Farnan: Thank you very much, Doctor. Just for the record, I suppose in the questioning, Dr. Hoek, you seemed to presume that there may have been a widespread perception that we had misunderstood your comments that we had gone so far that there was little to go. From the point of view of the official opposition, at least, I think it can be said that we realize there is a great deal that has to be done yet in this area. We would certainly not want to be associated with any questioning which gave a presumption that there was little left to be done.

Mr. McGuigan: In that same vein, clearly on the record, the government dissociates itself from any suggestion that we have gone as far as is possible. We would want to go to the point where it is zero--

Mr. Leone: I do not intend to raise the philosophy here, but I think that our responsibility here is to find ways to avoid accidents in any way that is humanly possible because, as the professor said, in every industry

there is a percentage of accidents that will happen, and unfortunately, will have to do with the cause of some human error or something. We have the responsibility to try to find out how to avoid that, because I believe that when there is an accident and there is a fatality, everybody is sorry--management, unions and workers--and nobody would like to see that. So my questions are general because I want to know and I want to contribute to see what we can give the government, what we can suggest.

Now, in fact, some questions have already been asked about how industry, and not only industry: I would also like to know how unions' and workers' education compares with others'. I know that the professor has knowledge and not only has been in South Africa and Australia but has also been in this consulting firm in Vancouver, where you were in between industry and government, so you can advise us on many aspects.

I would like to know, not to see how much work we have to do, but just to see what other countries do. You mentioned some. In Europe, for example, you mentioned Sweden. You mentioned Australia. I would like to know in particular now Germany, Belgium, whether you have experience with those, because there we had mining interests, we had some new ones; it was renovated after the Second World War, so we might know about them. Also, I think that over there unions have a different role. I do not know if it is stronger or of lesser strength with these countries. I am curious to know if you visited mines in the eastern countries, China or Russia.

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Dr. Hoek: In my comments so far, I have simply chosen countries that have mining industries roughly equivalent to Canada's or roughly equivalent to Ontario's, to be more specific, which have by and large hard-rock, fairly deep-level mines. Those generally occur in Scandinavia, Australia, Africa and of course in some parts of the United States. There are clearly very intense areas of activity in many other countries. In Germany, I visited some of their coal research laboratories, which are outstandingly good and which would be much more relevant if we were talking of British Columbia than of Ontario.

The softer rock research which tends to be a major strength in Poland, Czechoslovakia, Germany and Belgium I have not mentioned because it is a different type of industry from that of Ontario. I have not visited the eastern bloc, and by that I mean specifically Russia and its satellites, but I have been to China eight times and have had a good deal to do with its mining industry.

That is difficult to comment about it because they had a major disruption called the Cultural Revolution which effectively took out about 20 years of their technology. What I have found in my visits to China is an immense desire to learn and a tremendous enthusiasm for picking up the techniques that are currently available in the west, but a huge deficiency in trained manpower because during the Cultural Revolution there simply were no people trained at all in this area. What we have found is people of either 70 years of age or of 20 years of age and no skilled engineers in the middle.

There is an extraordinary problem there which overrides all the technology I have seen in China. It is so dominant that it simply has to be allowed to equalize historically before you can see what is happening there. There is research going on in China but by and large it is nowhere close to that currently going on here.

Mr. McGuigan: I think in addition to not training people they apparently killed the ones they had. If you were upper strata, they just simply killed you.

Mr. Wildman: Using your expertise and the fact that you have been involved in the mining industry in many parts of the world, I was wondering what role you see for improving safety in mines on the part of the labour movement as opposed to management and the industry itself.

Dr. Hoek: I have mentioned several times during the discussion--

Mr. Wildman: You did talk about education, obviously.

Dr. Hoek: I think that is tremendously important. If the labour movement can truly get behind the educational efforts that are being made, I think that would be a major contribution.

I think the other question is a serious discussion about the bonus and the payment system, to try to find better ways to ensure that both sides end up with safety that is motivated by reasonable economics rather than by some of the traditional practices that come from a different era. I do not mean that in any derogatory sense, I mean that the practices have actually changed and some of the payments are still based on apples versus what they are doing today with oranges. I think the labour movement has a great deal to contribute in realistic negotiations about bonus structures in particular.

Ms. Luski: You mentioned a production bonus and possibly the industry and labour taking steps to restructure that. Are you aware of production bonus models in other jurisdictions that are comparable to Canada that are presently in use and possibly more effective than the one we have here?

Dr. Hoek: I really have not had enough time to look at that and it is not my particular field of expertise.

Ms. Luski: I understand that.

Dr. Hoek: I could think of a few isolated ones, but I think it would be grossly unfair for me to single out any particular one. I have to pass on that question.

Mrs. Marland: Since everybody is going on the record, I just feel I have to say, with my still limited experience down here, which is not as limited as it was two and a half years ago, that I have found the most constructive and effective work that is done by standing committees of this Legislature is when we do not fall into partisan comments of record.

Having said that and since those comments have been made, I want to say that I do not think anything my colleague Mr. Wiseman said, asked or inferred by his questions this morning was an indication that the Progressive Conservative Party is at all sitting back and thinking, "We've come a long way, baby," to use the adage from that awful commercial for an awful drug. The fact is that it was the Progressive Conservative government, obviously, that established the Ministry of Labour, that directed the development of health and safety standards, and is responsible for the fact that we have a branch, and the first part of this committee's hearings heard from that ministry and those departments with whom the industry and, hopefully, we as elected officials are working very closely.

The truth of the matter is, as in any sphere of employment, there are always improvements that can be made and responsible people always strive towards that. I know that the overall thrust of this committee is to do whatever we can in Ontario for mine safety.

I want to say that I have so much enjoyed you this morning, Dr. Hoek, because, first of all, you are a professional technocrat, if that is one of the ways of describing you. This knowledge that you have is obviously something that you can eat, breathe and sleep, but yet this morning, you had the gift to communicate with us in a very frank and open way, and also particularly in the language that I know we have all understood. I must say that I have thoroughly enjoyed it. Thank you.

Mr. Chairman: This committee is looking at this whole issue because we were asked to do so through a motion by the Legislature as a whole. I have had many comments expressed to me by people from the trade union movement, from the media and others that indicate an expression of scepticism that a group such as this could come up with anything that the experts have not come up with, and why are we bothering, it is window-dressing, it is simply buying time in place of action and that kind of thing. It does raise doubts in all our minds because we are all lay people on this issue.

Given the fact we are lay people, I gathered from some of the things you said and by your conclusion in your printed remarks, that one of the things we could do as a committee would be simply to ensure that recommendations already made were implemented. If I could just add one thing on top of that, can you think of anything else that has not been recommended by experts, such as the Burkett commission, the Stevenson commission, the Ham commission and so on, is there anything that comes to mind, because we truly have to rely on, not our own creativity in this field but that of the experts?

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Dr. Hoek: In preparing this brief, I was struck by the extent to which the provincial government and the industry have taken to heart the recommendations, particularly of the Stevenson commission. A tremendous amount has happened in the last couple of years that is truly commendable. I think that has happened with very real help from government. I do not know whether it is out of place here, but in particular, the person I have dealt with most closely is Dennis Tieman. I have seen him push and shove and cajole and encourage, and he has had a remarkable effect on getting under way some of these things, which were dragging along a little, to say the least. I think government has a very real role to take the words of the experts and ensure that they actually work. That is the kind of pressure that we talked about this morning.

Coming directly from industry, I get nervous about legislation and yet legislation has a real role; perhaps not legislation in a punitive way, as it is often thought of, but in an encouraging and cajoling and helpful kind of way, as I have seen in action in these last couple of years. I think you, as a group, have a real role, as you are doing today, to examine whether those recommendations have been implemented and if they have not, why not, and clearly you are going to hear from other people who might have different opinions from me on this matter, but there will come out things that need pushing and shoving.

I cannot think of anything at the moment that we need more, other than time. I have said in my final remarks that a lot of these things are very new

and I think we need time to see if they are going to work, and if they are not going to work, they need to be changed. You have to play a real monitoring role in that, keep at it and keep after it to see that these things which have been implemented are not simply allowed to drop because they appeared to stumble in the first six months.

Mr. Chairman: We have not yet heard from any groups that represent the workers in the mines, and we will not this week. We are going to hear from the Mining Association, the Mines Accident Prevention Association and the Workers' Compensation Board and so forth. It will be after February, that week when we come back, that we will start to hear suggestions from the people who work in the mines themselves. That will be very interesting to see what some of their recommendations are as well.

Is there anything else for Dr. Hoek?

Mr. McGuigan: I would like to do a little fine-tuning--an overused word--on the matter of bonuses. One of our previous witnesses said he could not really identify any inherent danger with the bonus system. We got that answer almost 10 years ago on the uranium mines. In your remarks, is it that the system is inherently dangerous or is it being misinterpreted or not up to date with the present knowledge?

Dr. Hoek: I do not think it is inherently dangerous because I think economic incentive is something that benefits everybody, at least I presume so. It seems to me that there are some misapplications of the bonus system which come about from lack of understanding or from tradition or reluctance to change. Just as a ridiculous example--not from this country at all; it comes from Zambia--I remember going down one mine haulage way and, suddenly, there was a huge number of timber sets, very expensive, very large, imported Canadian timber which must have cost them an absolute fortune.

I said, "Why are these here?" They were clearly not doing anything. They were not carrying any load. The answer was that the miner was going on leave and needed a bit of extra cash. The bonus system in that particular mine was for the installation of timber sets. He made up his holiday money by putting in some timber sets. That is the kind of thing you might say does not happen. It does happen and it is ridiculous.

How do you find out about those things? People such as the Stevenson commission and the Burkett commission have looked at that. If, as the chairman has suggested, you want something specific to look at, I would suggest the bonus system needs more research than I have been able to give it. I am not a specialist in this field at all. It is thorny ground; I warn you. There are a lot of traditions and--

Mr. Chairman: I know. I have had my knuckles rapped already.

Mr. McGuigan: In Ontario, they used to put salt on the roads in the same way. A lot of salt got on roads that did not have snow on them.

Mr. Chairman: That is right.

Mr. McGuigan: Maybe we still do it. I do not know.

Mr. Chairman: Not in the last couple of years.

Mr. McGuigan: I would just like to make one other comment in

relation to Mrs. Marland. I do not think it serves any purpose to impute motives to our statements. We are all trying to arrive at the truth. I do not think Mr. Wiseman is any less interested in mining safety than we are. He was simply trying to follow a line of questioning. We cannot stop that but I do not think it serves any purpose when that happens.

Mr. Chairman: It is teasing the bears.

Mr. McGuigan: I would like to thank Dr. Hoek for his very informative and thoughtful presentation.

Mr. Chairman: Mr. Miller, I think, has this next one.

Mr. Miller: Many of these accidents seem to have been created by human error, not improper maintenance. I was just reading the article on Inco where the four employees were killed. I read it over fairly carefully. I did not hear the comment Margaret made on tobacco; I missed that one.

Mr. Chairman: Mr. Miller represents a tobacco riding.

Mr. Miller: I take a little peculiar approach to smoking, I suppose, more than other people, more than some people anyway.

Again, it seemed as I read this that maintenance was not done and it appears it was not done a few months ago for the backup system. It is a comedy of errors. It seems as if it should not really happen, but it did. From your experience, was the inspection done properly? These things have to be brought together because safety is the underlying factor. Our lives are at risk. If somebody is driving a car, you want to drive a car that is in good condition. I do anyway, particularly if I am doing a lot of driving and I protect myself. Is enough being done to bring all levels such as the Ministry of Labour, the companies, management and the workers together on a regular basis? Do you have any suggestions or solutions to that problem?

Dr. Hoek: The answer to the question, is enough being done? is obviously no. On the other hand, I think those of us who have worked a lot in mines--you look at a typical Canadian mine and there are literally miles of underground openings down there. It is a question of ensuring that every one of those is adequately monitored and that the workers in there, the inspectors and the management are adequately trained in all aspects. The answer is no, they are not. That is a fact of life. I am hoping that will improve. There is a great deal more that needs to be done there.

I think anything this committee can do to encourage the development of more education, more interaction--not necessarily more meetings as such. I am not sure those achieve a great deal if they are carried to excess, but certainly we have to work towards a time when everybody working in every metre of the many, many kilometres of mines knows what the dangers are, and there are a lot of people who do not at the moment. I am not talking only about miners; I am talking about the inspectors, the managers and so on. There are a lot of people who are simply unaware of the right way to do things. So the one term I used right in the beginning, quality control, is something that we have to learn how to do in mining.

Mr. Wildman: But you did say earlier on that some of the research that has been done in Canada has not been applied as well as, say, in Australia. You said we needed more time to get some of the people who are involved in that study more involved in the industry and in management roles in the industry.

Dr. Hoek: Yes, true.

Mr. Wildman: So is the main problem we have not that when we start talking about statistics we forget about the fact that we are talking about individual people in those statistics? I agree with what you said about Doug Wiseman being as interested as all of us are; I think the whole committee is or we would not be here. But surely the problem we run into is that when you start saying, "Well, the number of mining fatalities in this jurisdiction is less than in some other jurisdictions," I do not think that is a very relevant thing to say.

Dr. Hoek: No.

Mr. Wildman: It may have something to say about safety in that jurisdiction as opposed to the others, but it does not say much about what needs to be done to try to protect the people who are going underground.

Dr. Hoek: We are perhaps going over ground again, but what needs to be done is more education, more development of protective vehicles, more change of mining systems to remove people from the working place, more emphasis on a bonus or payment system which does not induce somebody to go do something foolish to make a buck. All of those things need to be done, and any encouragement that this committee or anybody else can give people trying to do that is obviously necessary, but it also needs time. So the two are not contradictory.

Mr. Chairman: Dr. Hoek, several members have expressed their appreciation for your presentation this morning, and I would like to do so on behalf of the entire committee. We do appreciate the fact that it was very short notice, but it was an interesting presentation. Thank you.

The committee will adjourn now until two o'clock, at which point the Workers' Compensation Board appears. I know none of us would want to miss that occasion. We are recessed.

The committee recessed at 12:13 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

TUESDAY, JANUARY 26, 1988

Afternoon Sitting



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Farnan, Michael (Cambridge NDP) for Mrs. Grier

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Workers' Compensation Board:

Stephens, R. W., Executive Co-ordinator, Statistical Services Branch

Lewycky, Peter, Manager, Statistical Analysis Section, Statistical Services
Branch

Ridout, John, Administrator, Occupational Health and Safety Education Authority

Cooke, Stewart, Administrator, Occupational Health and Safety Education
Authority

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday, January 26, 1988

The committee resumed at 2:13 p.m. in room 1.

MINING SAFETY
(continued)

Mr. Chairman: The meeting will come to order. I see one of the parties is absent, but I assume they will be drifting in shortly.

This afternoon we have with us the Workers' Compensation Board. I would ask the people from the board to come up front and sit here. We have Mr. Stephens, Mr. Lewycky, Mr. Ridout and Mr. Cooke.

Welcome to the committee, gentlemen. We are pleased that you are here. We had to do some scrambling on fairly short notice, but we appreciate the fact that you were able to do this.

WORKERS' COMPENSATION BOARD

Mr. Ridout: Thank you, Mr. Chairman and members. My name is John Ridout. I am the administrator from management with the Occupational Health and Safety Education Authority.

Organizationally, the authority is part of the policy and specialized services division of the Workers' Compensation Board. It was formed effective July 1, 1984, and as an operating structure, it replaced the then existing safety education division of the board.

The authority is tripartite in nature, with a chairman, an administrator from labour and an administrator from management. The three of us are jointly and equally responsible for the work of the authority and we report through the chairman to Dr. Elizabeth Kaegi, vice-president, policy and special services. Our role is to implement the Workers' Compensation Board policy on safety education, including the administration of the relationship between the board and its various delivery agencies that it funds. By "delivery agencies" here, I mean the safety associations, the Ontario Workers' Safety and Health Centre and certain other programs.

The authority is supported in its work by a Joint Policy Review Board composed of 12 members. These members are appointed to their role by the board of directors of the Workers' Compensation Board and there are six members from each of management and labour. The chairman of the authority also serves as chairman of the policy review board.

As your chairman has mentioned, I am accompanied today by my colleague, Stewart Cooke, who is the administrator from labour. Our chairman's position at the authority is currently vacant since the recent decision Robert Bucher and his family to return to British Columbia. From the information that was conveyed to us, we were given to understand that the main interest of the committee and purpose for this appearance is to provide information to the committee of a statistical nature with respect to accident, injuries and fatalities in the mining industry. For this reason, also joining me today are

Ron Stephens and Peter Lewycky. Mr. Stephens is the executive co-ordinator of the board's statistical services branch and Mr. Lewycky is the manager of statistical analysis with that branch.

With these brief comments, I will conclude and invite you to pose questions for us to respond to.

Mr. Chairman: I have a couple just before we open things up. One has to do with the whole question of illnesses versus trauma on the job, what causes miners to die. There are the obvious examples of rock falling on their heads but there are other examples that are not so obvious, and that is the long-term illnesses. I am wondering if you have any data that go back for a period of time which compare the causes of deaths.

Mr. Stephens: Perhaps I can answer that. We have some information on causal factors regarding accidents, but not a great deal. We have quite a considerable amount of information on the nature of injuries that have occurred as a result of the accident and the part of body that was injured. I can give you some of that detail initially and then move into what causal information we do have.

This is basically for lost-time claims only and is based on 1987 data we have for workers' compensation lost-time claims. We have compared the lost-time accidents in the mining industry with all lost-time accidents in all industries in the province and we have found out that occupational illnesses and disease represent proportionally twice as many lost-time accidents in the mining industry as they do in all industries in the province.

Roughly 6.2 per cent of all lost-time accidents that occurred in the mining industry in 1987 were occupational illnesses or occupational disease versus 3.6 per cent for all industries in the total province. It is roughly a two to one ratio.

Mr. Chairman: What is second nature to you is sometimes quite alien to us as laypeople. You are saying that as a percentage of all compensable reasons workers are off the job--

Mr. Stephens: Nature of illness.

Mr. Chairman: --that roughly six per cent is the result of work-related illnesses.

Mr. Stephens: In the mining industry.

Mr. Chairman: In the mining industry.

Mr. Stephens: Right.

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Mr. Chairman: So that 93.8 per cent of time off is accidents or trauma and 6.2 per cent is illness. That is twice as high as the proportion for all other industries.

Mr. Stephens: For all industries together in the province. It is 3.6 per cent occupational illnesses for the total population of all industries, and the trauma is the difference, 96.4 per cent. So relatively speaking, you have approximately twice as serious an incidence of illnesses in the mining industry as you do in the total for the province.

Mr. Chairman: Could I ask you about the ages of workers killed and off work for either illness or, one could just say, fatalities, I guess: the relationship of age, fatalities, illnesses and lost time?

Mr. Stephens: I do not have that information with me right now, but we can cross-tabulate that information. We do have age, seniority and sex, if you have some female miners now; you may well have. We have all the basic demographics so we can cross-tabulate that, but I do not have that information.

Mr. Chairman: The reason I am interested in that is somewhat parochial perhaps on my part. In the Sudbury basin, where we have had enormous cutbacks in the workforce, the average age of the miner has now climbed to at least 45 years of age which is, in some people's minds, extremely high for that kind of work. I was wondering whether there is some kind of link among accident rates, illnesses, lost time, fatalities and age.

Mr. Stephens: We can certainly look at that. That appears to be a good line of investigation. You also raise the question about fatalities. In the mining industry, which is unique in the province, the large proportion of fatalities that have occurred in Ontario have been caused by illness deaths up until 1987, and 1987 is somewhat of an immature time yet for us to get final figures for fatalities.

I will give you some numbers according to our database. We consider our database to be probably the best database in the province. We share it with all the other key players in the field, such as the Ministry of Labour and the Mines Accident Prevention Association of Ontario. These are provisional figures.

In 1987, the board will have 23 injury fatalities and 17 illness fatalities in the mining industry, for a grand total of 40 fatalities. In 1986, there were 15 injury fatalities and 21 illness fatalities, for a total of 36. In 1985, there were 9 injury fatalities, quite a small number, and 22 illness fatalities, for a grand total of 31. In 1984, there were 16 injury fatalities and 21 illness fatalities, for a grand total of 37. In 1983, there were 9 injury fatalities and 19 illness fatalities, for a grand total of 28. In 1982, there were 9 injury fatalities and 26 illness fatalities, for a grand total of 35.

A couple of things are striking here. In the last few years, there is a steady and noticeable rise in injury deaths in the mining industry, particularly since about 1985 but even since 1982, you can say, without the 1985 year. The other notable aspect of this information is the fact that illness deaths have normally been more frequent and more numerous than accident or injury deaths, except for 1987. Again, that is a provisional figure. So the mining industry is unique in that regard, in the sense that there is a very high proportion of illness fatalities, most of which are cancers and some silicosis.

Mr. Chairman: In 1987, there were 17 injury deaths and--

Mr. Stephens: There were 23 injury deaths and 17 illness deaths. Those are provisional figures, though; they may change once we get some maturing after the year ends.

Mr. Chairman: Where did that figure of 23 come from? I thought it was 17. Where am I--

Mr. Stephens: We calculate our information based on a year of death,

and we now know definitely that there are approximately 19 or 20 injury fatalities for sure that were allowed as at the end of the year; but there are a great number pending, and we know the approximate grossing up that has to be done. This is an estimate of what it will be when we get a mature figure, to give you a fair comparison with previous years.

Mr. Chairman: I see. OK.

I just had one other question. It had to do with the statistics you have available on the length of compensable time that workers are off the job over the past number of years. I know that is a concern to an enormous number of people, including the Employers' Council on Workers' Compensation.

Mr. Stephens: Yes. That is a very good area of explanation. In fact, we have quite extensive figures on what we call severity of accident; I think that is what you are driving at. We define severity as the average duration on compensation, or average duration on benefit. You sort of hit the nail quite squarely on the head here in that the mining industry has the highest severity rate of any industry in the province in terms of average duration on compensation. In 1987--again, these are provisional figures--the average duration on compensation for lost-time accidents in the mining industry was 17.7 weeks, the highest of any industry in the province.

Mr. Chairman: That is the average?

Mr. Stephens: The average duration.

Mr. Chairman: For all lost time?

Mr. Stephens: All lost time. You have got about 2,000 or 3,000.

Mr. Chairman: That is over four months.

Mr. Stephens: Right. The next closest was the Ontario Pulp and Paper Makers Safety Association, or industry, 13.6 weeks. I am going from the worst to the top. Forest products, 11.6 weeks; construction, 11.2 weeks; the farming industry, 7.7 weeks; transportation, seven weeks; the Industrial Accident Prevention Association, general manufacturing, 6.3; electric utilities, 5.9; and the top-rated industry, the health care industry, 5.8. The overall average for all industries, provincial total, is 6.8 weeks, so you can see that the mining industry comes off very poorly in that regard.

Mr. Chairman: Can you take that 1987 figure, 17.7 weeks, and run through the previous number of years for us?

Mr. Stephens: Yes. It has gone up; I know that much. Well, I should not say it has gone up. It has gone up other than 1987. Going backwards, in 1986 it was 19.2 weeks; in 1985 it was 16.1 weeks; in 1984 it was 15.8 weeks. There was an aberration in 1983, so you will have to put a "not available" there. In 1982 it was 11.2 weeks. The overall increase in severity from 1982 through to 1987, in percentage terms, was 57.1 per cent.

The mining industry is not unique, though. We have found for pretty well all industries in total in Ontario as well that severity rates have increased over the last five years. In some industries it has gone up faster than in others, and I would say that mining has gone up quite considerably.

It is also not even an Ontario phenomenon. We have got severity rates

for workers' compensation claims in other provinces, and they have also experienced increases and rises in their severity rate over the last several years.

Mr. Wiseman: Is the 17.7 the average for all injuries in the mining industry?

Mr. Stephens: Yes, in the mining industry, all lost-time accidents. The vast proportion are usually less than a week or a month, but then you get some very high-duration injuries, the more serious injuries where they are off several months, even up to a year or so, on temporary total compensation. This is the average for maybe 2,000, 2,500 lost-time claims in the mining industry that were settled in 1987. We made an actual count of the days from the time they started on compensation to the time they returned to work.

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Mr. Chairman: When you see something like these statistics, they must be of concern to the board, who are the stewards of the assessment pool. When you see this, what kind of investigation do you do? There must be a reason for that. It is too consistent and too dramatic for it to be just an aberration.

Mr. Stephens: No, it certainly is not an aberration. I think it is the real McCoy in the sense that it is happening. There have been a lot of factors involved, we think.

It is brought to the attention of management. I think the board looks at it from a couple of standpoints. One is that there is something in the way of a great opportunity to try to get people back to work sooner in terms of more effective rehabilitation. There is also a financial impact, obviously. There are tremendous costs when you are looking at an average duration of four months on compensation with an average compensation payment per week of about \$400 or \$500. It is a lot of money, and if you can cut that down, for whatever reasons--humanitarian reasons, financial reasons--it is to everybody's benefit.

There are no easy answers. It is brought to management's attention. We highlight it quite significantly. I think the current administration at the board is trying to work very, very strongly in trying to bring it down. They also look at it and say: "It is not a problem that is unique to Ontario. This is not to say we should run away from it, but it looks as though everybody is facing the same problem across Canada, all the workers' compensation boards." I cannot think of one jurisdiction that has had a declining severity rate in the last five years. There seem to be some national, general factors and local factors, but it is not an easy thing to resolve. We bring it to the attention of senior management, people like the authority, the rehabilitation services division of the board.

Mr. Chairman: But you do not know what is causing it.

Mr. Stephens: We have had some studies done. I think Mr. Lewycky here even did some studies when he was at the Canadian centre. They are looking at such things as whether the mix of accidents or injuries is changing. Obviously, if you get proportionally more back injuries, which tend to be of much longer duration than, say, bruises or contusions, is that mix changing from year to year? Would that be a cause? Maybe there is a different composition of the workforce: an older workforce or a very much younger,

inexperienced one. Either end of the pole will cause perhaps more serious accidents than was the case. But again, I think it is just hypothesis, unless Peter has something he wants to say to that.

Mr. Chairman: We will just let Mr. Lewycky finish. Then there are a number of members who have been anxious to get in, which is a good sign.

Mr. Lewycky: When I was with the Canadian centre, we did a study where we looked at the experience in Ontario, the increase in frequency rates and increasing severity rates. We found that since 1981, where we were in a recession, we were bouncing back. What is happening is that, traditionally, manufacturing has accounted for something like 40 per cent of the share of the accident profile. It was at a low of about 35 per cent in 1981, and as manufacturing is recovering in the province, it is pulling up the accident frequency rates. It will continue to do so until it re-establishes its historical pattern of about a 40 per cent contribution to the overall accident picture.

It raises the question, why so? The traditional thinking on this is that when you are in a recession, the economy worsens and you lose your weaker workers; then when it recovers, you hire back your weak workers and your frequency rates go up. But we found that that is not the case at all. What appears to be the case is that when you are recovering from a recession, new employers are coming into the economy, and it is new employers who are chiefly responsible for increasing accident rates.

Mr. Wildman: I would like to get some comparisons with other sectors of the economy, if I could. You talked about frequency of accidents and it was increasing generally in the mining industry. Is this true of the total economy? Is this an unusual thing or is the frequency and duration of time lost increasing across the board?

Mr. Stephens: You have to be careful with the terms you use. The frequency or the accident frequency rate, as we like to call it, which is the ratio of lost-time accidents per 100 workers, in the mining industry that has not been increasing.

Mr. Wildman: Just the duration of time lost.

Mr. Stephens: Right. The severity is increasing. I would say the fatality frequency rate is increasing. I think that is evident from this information, but the third major indicator, the frequency, the number of occurrences of accidents, regardless of how long they last or how serious they are, has been going down in the mining industry, which is a very positive thing. They compare quite favourably in fact to other industries as far as the injury frequency rate is concerned, which is the ratio of lost-time accidents per 100. I can give you some numbers to--

Mr. Wildman: I would like to get that but before you do that, in terms of duration of lost time that is increasing, how does that compare with the other sectors of the economy, manufacturing and pulp and paper, for instance?

Mr. Stephens: Those are some of the numbers I did mention earlier; I can go over them again. In 1987, the mining industry was the worst in the sense that it had the highest severity, the average duration on compensation. The average was 17.7 weeks. The next worst, if you will, the second worst--

Mr. Wildman: I realize you gave us those figures. It has been increasing in mining. Has it been increasing in pulp and paper? Has it been increasing in manufacturing?

Mr. Stephens: OK. Most of them have. Two columns I have here are 1982 and 1987 and I do not have the in-between years. This will give you some guideposts: mining industry accidents, 17.7 in 1987 and 11.2 in 1982; pulp and paper industry accidents, 13.6 in 1987 and 6.6 in 1982--it has almost doubled--forest products stayed the same but it has been high, 11.6 in 1987 and 11.6 in 1982; construction, 11.2 in 1987 and 10.1 weeks in 1982.

Mr. Wildman: So it stayed about the same.

Mr. Stephens: Yes, a 10 per cent increase.

Farming industry, 7.7 weeks in 1987 and 8.0 weeks. It has gone down a little. It is one of the few. Most of them have gone up. Transportation, 7.0 weeks in 1987 and 6.7 weeks in 1982. It stayed pretty well flat. Industrial accident prevention, general manufacturing, the biggest one, 6.3 weeks in 1987 and 5.8 weeks in 1982.; electric utilities--it has gone up quite a bit--5.9 weeks in 1987 and 4.1 weeks in 1982; health care industry, 5.8 weeks in 1987 and 5.0 weeks in 1982.

Of all of them, it looks as if only one went down, a couple were fairly stable and some went up quite sizably.

Mr. Wildman: Particularly pulp and paper, as well as mining.

Mr. Stephens: Right. It was the worst in terms of the increase. Normally, it has been a fairly steady thing. Peter has year-by-year figures if you wish.

Mr. Wildman: I am not sure we need each year's. Your trend is what I am concerned about. You were also going to deal with the frequency. How does mining compare to other sectors?

Mr. Stephens: The frequency rate is a different aspect of the issue. The mining industry compares quite favourably with the other industries. I have the two years again, 1987 and 1982. I will give you the 1987 figures. Of the nine basic industries we classify, it is ranked fourth best, fourth from the lowest, if you will. It had an injury frequency rate, which is the number of lost-time injuries per 100 workers, of 6.38 in 1987. That is a provisional number. All 1987 numbers are provisional.

The best industry, surprisingly, was the pulp and paper industry, on frequency, 3.42 per 100; next was health care, 3.91 per 100; electric utilities was third best, 5.89 lost-time accidents per 100 workers; then mining at 6.38; industrial accident prevention, 7.02; farming industry, 8.84; construction, 10.31; transportation, 12.60--that is like a percentage really--and forest products, which is the worst industry as far as the injury frequency rate is concerned, with 12.68 lost-time accidents per 100 workers.

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Mr. Wildman: Can you clarify, for our information, the difference between pulp and paper and forest products? Is forest products the bush operation?

Mr. Stephens: Yes, logging.

Mr. Wildman: Whereas pulp and paper is the mill?

Mr. Stephens: Yes, it is the mill.

Mr. Wildman: We had a chart earlier on in our discussions that showed--and the frequency in this seems to be borne out by your figures--the frequency of accidents in mining has gone down, but the accidents that occurred have been more serious in terms of duration of time lost and fatalities. Is that a fair description?

Mr. Stephens: Yes, that is a fair comment.

Mr. Wildman: Is that also true of the pulp and paper industry as opposed to those other industries, or the forest products industry?

Mr. Stephens: The pulp and paper industry's injury frequency rate declined a little bit. In 1987, as I mentioned, it was 3.42 lost-time accidents per 100. In 1982 it was 3.61, a small 10 per cent decline. On the severity side, it has doubled. So that is a fair statement for them. I am not so sure about the fatalities in that period.

Mr. Ridout: I think your comment was that the injury frequency rate for mining and pulp has both declined, and the severity rate for mining and pulp has both increased.

Mr. Wildman: Yes, but that is not true in the rest of the economy.

Mr. Cooke: The rest of them have generally both gone up.

Mr. Wildman: So we might assume from this that in mining, which we are dealing with, as well as pulp and paper, the industry and the workers are concerned about trying to avoid accidents, but when they occur their severity is much greater. They are fewer in frequency but severity is a major problem.

Also, in the figures you gave earlier on illness, is it correct to assume that in terms of lost time there are twice as many claims for illness in 1987 as there were for traumatic accidents? Is that wrong?

Mr. Stephens: No, that is not a fair statement. What I believe I said was that in the mining industry there were proportionately twice as many illness or disease claims for lost time as there are for all claims, all industries, total province, proportionately.

Mr. Wildman: Oh, I see.

Mr. Stephens: It is still a relatively small percentage. If you look at 100 per cent of the claims for all of the province, 96.4 per cent are accident or injury claims; 3.6 per cent are illness claims; whereas mining is 93.8 versus 6.2 per cent but, again, proportionately it is still quite significant. It is twice as many, roughly speaking, in terms of ratio.

Mr. Wildman: The chairman asked you about ages. Do you have those figures of ages in the workforce in terms of those claims?

Mr. Stephens: I do not have them with me in terms of a formatted report, but we have that element in the database. It is a matter of one of the

analysts programming it, cross-tabulating it, if you will. We can certainly do that if you want it.

Mr. Wildman: I think that would be useful. Perhaps you can comment now. I would think that the claims for illness would tend to be the older workforce since, particularly with cancer or something like that, there is a latency period, sometimes 20-some years, before the cancer might show up.

Mr. Stephens: It sounds like you are reading my thoughts. It probably will be borne out by the information.

Mr. Wildman: Mr. Cooke is pointing at his hearing aid. Illness includes hearing loss as well.

Mr. Stephens: Yes. I can give you a description. I had a message from Mr. Cooke to tell you what some of the industrial ailments are, to give you an idea.

Inflammation of the joints, like tendosynovitis, things like that; fume toxicity; smoke inhalation; chemical burns; dermatitis; welder's flash; ultraviolet rays; pneumoconiosis; something called contagious infectious diseases, occupational industrial noise deafness. Those are the kinds of illnesses that are categorized here.

Mr. Wildman: Would white hand be considered an illness?

Mr. Stephens: Yes. White hand falls into, I think, inflammation of the joints. I have summarized to sort of a higher level, but there are several subcategories.

Mr. Wildman: I think that has answered my questions for the moment.

Mr. Wiseman: I think Mr. Wildman has asked a lot of what I was going to ask. The only thing I would like to know is, there has been a dropoff in accidents and has that, do you think, started since 1978 when the occupational health and safety division took over and perhaps it picked up some of the minor injuries that were occurring at that time, or helped to avoid those, to throw more of these into the serious accidents or longer duration of workers' compensation, given the 17.7 figure?

Was it, I guess, after 1978 that you started to notice a decline in the number of claims or that you were just getting the more serious ones, as you told Mr. Wildman?

Mr. Stephens: When you say there has been a declining trend, you are right, for the mining industry, and I presume you are talking just about that. For the whole province, all industries, we have not had a decline.

Mr. Wiseman: You are quite right.

Mr. Stephens: During the recession years of 1980 to 1983, roughly, the board's claims volume, total industries, all province, were up quite significantly in lost-time claims.

Mr. Wiseman: That would probably be due partly, would it not, to shutdowns or layoffs?

Mr. Stephens: Yes, primarily due to that, I would say.

Mr. Wildman: If you are laid off, you cannot hurt yourself at work.

Mr. Wiseman: You cannot really give occupational health and safety too much of a pat on the back for that.

Mr. Stephens: Since 1983, I think there has been a relatively steady increase in total claims reported and then when you break it out between lost time and no lost time, the lost-time category has gone up fairly substantially in the last four or five years. Again, it is primarily a function of the very, very high rate of economic growth and activity in the province.

You hear a lot of talking about the decline of the blue-collar industry area, but it is not really apparent so far, to me at least. But in mining, you are quite right. It has dropped and quite substantially in the last five years. Our figures, the way we define them, there were 3,221 lost-time claims allowed for the mining industry in 1982. It dropped by 1986 to 2,470 and pretty well steadily all the way through there. I think a lot of factors are involved.

One is that the mining industry was quite depressed and still is, relatively speaking, compared to other industries. So employment levels have dropped substantially in those industries and I think there has been a lot of good work done by the Occupational Health and Safety Education Authority. I think there is far more rigorous work being done by the Ministry of Labour, employers and unions.

Mr. Wiseman: I was a little late getting in, but the 17.7, is that just on-the-spot accidents or is that taking into consideration people who may have had a long-term illness that, as result of mining, is a recurrence and they go back on workers' compensation for a period of time? Is that added into the 17.7?

Mr. Stephens: Part of it is defined as the total time on compensation or benefit from the time the person begins compensation to the time he returns. But if he returns and works for a while and has a recurrence, as you say, it does not include the recurrence part. It is quite a technical definition we have. It is really, in our terms, it is called temporary total days, based on initial settlement. That is, the first settling of the claim. The claim is first settled or finalised from the time of the first accident to the time he goes back to work after the first accident. Those are the two end-posts in which all these days are compressed.

It takes into consideration every kind of claim. If it is very, very serious, say, a fractured skull, where the man may be off two or three years, there are 400 or 500 work days will be recorded against that claim and go into the pot in which the whole average is done. Again, the large proportion are normally of short duration. About a third of them are less than a week and less than a month for maybe 40 per cent or 50 per cent.

1450

Mr. Wiseman: The long-term ones might be if they had a break. If there was a serious illness or accident, they went back to work and then they found they could not stay with the job, they are not counted in these 17.7 weeks.

Mr. Stephens: The first part of their time off work is until they go--

Mr. Wiseman: If they go on for six months and then go on again, then they are not counted.

Mr. Stephens: The point when the claim is reopened and there is a second period of compensation, if you will, that second segment is not included in this count of days lost. Only the first part is.

Mr. Wiseman: Would it help us to know how many--I think you touched on it--of the 17.7 are real long-term compared to the ones that you mentioned are probably a week in duration?

Mr. Stephens: I do not have that frequency distribution at my fingertips, but we can run it.

Mr. Wiseman: The reason I am asking that is that more and more doctors, your doctors or whatever, are keeping people off longer now than they did before because of the knowledge of what you can get in mines--silicosis or whatever. We find the doctors recommending longer pay periods for compensation. Maybe there is a reason for it--

Mr. McGuigan: Therapy might be an example.

Mr. Wiseman: Yes--that maybe we did not use a few years ago.

Mr. McGuigan: Physiotherapy.

Mr. Stephens: We can run a frequency distribution. In fact, we normally do. It is just that I do not have it with me. I have just brought the average, which is a nice single number you can focus on to give you an idea of the severity. We can certainly run a frequency distribution, and we do. In fact, they are more important to some of our managers--how many were less than a week, two weeks, and the classes or structures and when you get certain frequencies.

I do not know whether that would help too much in explaining whether we think that maybe the medical profession has a lot to do with the fact that you have higher durations and therefore increased severities than you used to have. That may certainly be a factor. I do not know.

Mr. Wiseman: It would be kind of nice to know whether over the last 10 years you are seeing a lot more of the longer-term ones to bring this average up. Are people staying on for six months to a year, when 10 years ago or whenever it was maybe two or three months was all you could get for the same illness or accident?

Mr. Stephens: That is a good point. In fact, our program managers in claims are not too uptight about--I will not put it that way. What they are more interested in seeing are the numbers and whether significantly higher claims are occurring at the very high end of the duration, because something is wrong here, especially when they get another corresponding piece of information that associates it with type of injury and they know this guy has a relatively minor injury and he has been off for nine months.

These are flags that have to be brought to the attention of the adjudicator to call the injured worker, call his doctor, call his employer and get everybody who has seen what is going on here. So the frequency distribution information is much more valuable to us from a programming standpoint.

Mr. Wiseman: I was wondering how we could recommend a correction to maybe correct the heavy side of this, bringing the average up to 17.7.

Mr. Lewycky: We have looked at the distribution of the natures of injuries over the time period where we saw severity rates going up and up. As Ron Stephens pointed out, this was apparently across Canada. We looked at about four or five other jurisdictions and we were seeing the same thing, that severity rates were going up. So we looked at the mix, the natures of injuries, and it turned out that the natures of injuries have stayed relatively the same. We are getting the same percentage distribution over this time period.

What is significant is that apparently for the most severe type of injuries, let us say concussions, over that time period, people were taking two and three times as long to recover from a severe injury than they were before. We do not know why that is so. Let us say on the average people were taking two days to recover from an abrasion or some bruising or something, but for concussion, they went from something like 70 days to 140 days over that time. Over that time period, it seemed to be the serious injuries that were taking a lot more time to recover from. The reasons for that are hard to know, but it has nothing to do with the distribution of the natures of injuries. It is just that people were taking longer to recover from the more serious types.

Mr. Chairman: I know there is always a danger in generalizing from the specific, but in my constituency office, which has an enormous number of compensation problems, I do not know what percentage are problems related to the back--we should do some statistical analysis in my constituency office--but it is really unbelievable. I was wondering where back problems fit into that 17-week average. Do you know that? I know 25 per cent of all injuries are back injury injuries. Right? Claims?

Mr. Stephens: You are quite right. I think the average duration on backs is approximately twice as long as it is for all injuries. What did I say for all injuries? Is it eight to nine weeks? I cannot remember now. If it is, then it is 18 weeks for backs. We cross-tabulated, in our database back at head office, the durations by part of body injured or by nature of injury, the part of body being back. We get so many inquiries from a lot of people that we create special reports just on backs. As you say, the average time off work is almost twice as long for a back injury as it is for any other injury.

Mr. Wiseman: I really feel sorry for you on some of those back injuries. I tell this story. My dentist is on the second floor, and this fellow had been in to see me. I will not give any names because I do not want to get him in trouble, but he was in to see me about his back. He sat down in the chair just ever so lightly. I came around the corner coming down from getting my teeth fixed and this guy came in and pounded his feet to get the snow off. It was the same guy who was sitting in my office, sitting down ever so lightly. I thought, "Boy, if a fellow could pound his feet like that, his back did not hurt him too much."

Mr. Stephens: They are very difficult to determine, but I would think that the vast majority are legitimate. Touch wood. I have never had a back problem, but those who have, I really feel sorry for them.

Mr. Chairman: Mr. Wiseman, if I was not in the chair, I would have a debate with you on that.

Mr. Wiseman: I do not know how you could pound your feet like that and still have a sore back like he said.

Mr. Chairman: I am trying to cut off Mr. Wiseman before he carries this story any further. Mr. Ridout.

Mr. Ridout: I might just mention that, from a prevention standpoint with the back, the work that we do with our delivery agencies is quite concerned about back injury prevention. All of the associations have various back programs, but in the last year or so, the Occupational Health and Safety Educational Authority, along with Dr. David Imry, has put together what we are calling a back power program, which we have made available and which is being used by all the safety associations in an attempt to provide some good preventive fitness as well as back education for workers with respect to backs. Within the context of compensation, strains and sprains are a very important area to try to prevent if we are going to eat into the long term that people can be off on back claims.

Mrs. Marland: You mean back strengthening exercises so that they are physically stronger in that area before they get into the work?

Mr. Ridout: That is a good part of the program. It is a simple back exercise program that takes about five minutes a day; yet it works on the four areas of muscles that support the back. Dr. Imry's work over the last 12 years or so has been successful with many workers and many clients and we are hoping that this program will have an impact on this very serious problem.

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Mr. McGuigan: The back problem we are working on is that although the number of injuries is coming down, the severity is going up. As I understand it, there are several areas where injuries occur: people falling off objects, people being struck during the transportation of other workers or equipment and minerals, rocks falling. I do not know just what others there are but there are a number of categories.

Have you taken a fine look at each one of those? In my own mind, I could see that there are not very many minor rock falls. If a ton of rock hits you, you are probably finished, whereas in the machinery area--and I am going back to my experience in farm machinery, which is where I come from--there has been a great improvement in equipment in that they have better ladders, more grips on the ladders, more hand-holds, places where somebody actually sat down and thought, "How is this man going to climb up on the machine?" With the old tractors they never got it a thought; you would get up the best way you could.

There has been a big change in equipment, more shielding, which would indicate to me that in a lot of the old cases where you slipped and maybe twisted your ankle, it was probably a minor thing. You got a little strain here or there or you barked your shins pretty good because your foot slipped through the ladder, whereas today they have backings on those ladders and your foot does not slip through. Would those types of improvements not account for a lot of the loss of the minor injuries?

Mr. Ridout: Do you mean the decline in the injury frequency rate?

Mr. McGuigan: No, the decline in the number of minor ones and therefore, by comparison, an increase in the more serious ones, which sort of

brings up another question. In the total, is it simply a reflection that we are having fewer small ones and therefore, as a percentage, the serious injuries are a greater percentage but overall the number is not increasing?

Mr. Ridout: I think work practices and procedures and concentrating on that, good education and training of workers and a continuing commitment from both workers and managers to achieve safety would all supplement and support your comment about also taking advantage of improvements in terms of equipment technologies.

Mr. McGuigan: Have you broken out figures so that we can use them in making our recommendations? "Here is what is happening in rock falls; here is what is happening in transportation; here is what is happening in the minor injuries." Have you broken those out?

Mr. Stephens: I do not have it here, but we can do just about any cross-tabulation that is possible within the data elements we have. I will give you an idea of what we have.

In every lost-time claim that comes in to the board, my branch, the coding section, codes about 20 specific data elements from the form 7, which maybe some of you would know as the employer's report of accident. We also look at form 8, which is a doctor's report of accident, for the diagnosis because we consider that to be a much more professional diagnosis as to what the injury was, as opposed to the one given, say, in the form 7.

From the form 7 we take all the descriptives of the accident and injury, such as the part of body that was injured, the nature of the injury, the nature being a fracture, laceration or cut, contusion, hernia, things like that. We record the source agent causing the accident, which may be the thing you are getting at. What else do we have? I think it is called "type of accident" and for those claims for which causes of accident are recorded--we do not get very many of those; I will confess to that. Only in about less than 10 per cent of all the 200,000 lost-time claims do the employers fill in the little field there that says, "What contributed to this accident?" For those who do fill in it in, roughly 10 per cent, we get causal information.

We can cross-tabulate and run reports for you on the source agent causing accidents. We do it for the whole file but we can do it for the mining industry. Causes may not be too meaningful because there are not very many claims to begin with. There are only about 2,000 or 3,000 and 10 per cent of them would only give you a couple of hundred, but we can do all the cross-tabs we have the information for.

Then we take such things as the seniority and experience of the injured worker, the age and the sex if it is an industry where there are many women workers, and the occupation. We pretty well have all the major descriptive variables you would want to look at. It is just a matter of having the reports. We do not do them ahead of time because there would be papers like this for each--

Mr. McGuigan: It would be useful if we had the different categories of injuries and a column below that showing what is happening in those areas, where we are making improvements, where we are losing ground and where we should be focusing some attention.

I just have a comment on back injuries. I am an authority on that. I have a crushed disc myself--so I know something about back injuries. I think I can say that the only person who really knows what his back is like is the person who has the back. I can take a pretty good lift if I brace myself and if I do not do it all day. Sometimes, as an MPP, you will get a complaint, "So-and-so over there is on a pension because of his back, but I saw him lifting the corner of the house the other day." A person with a bad back can make one or two lifts like that, but you cannot do it all day. You cannot do it for more than a short period of time and very often you pay for it the next day. Still, you can make that lift if you brace yourself and are quite prepared.

I guess I am coming back to my experience in farming. Most farmers would be a little upset if I said it was not physical, but it is not as physical as it used to be, and it is probably true in mines that you do not have picks and shovels. The only people who really survived in the mines years ago were really big, strong, physical people. Therefore, they did not succumb quite as easily to a back problem as people do today. I think you could take that right through all of industry. You go into a factory today and you do not see many people lifting a product all day long on a continuous basis. Yet they make lifts. Probably they are not muscled like they used to be.

Mr. Ridout: I think that is a good comment. We are probably more sedentary in a lot of our approaches to life than we have been before. I guess one of the big benefits we have had from the Participation movement over the last 10 or 15 years is that it has reawakened a consciousness on a lot of our parts--I might be an exception--that fitness is important.

Picking up on your interest in accident causation, I might also say that the Mines Accident Prevention Association of Ontario over the last few years has been doing some pioneer work with its industry on accident investigation follow-up forms. I might stand corrected but I believe the program they ultimately have developed is one that is being used in most other jurisdictions for the mining industry across Canada. In addition to the work Ron might be able to provide you with, there may be some insights that the MAPAO itself, from its systems, could lend to the committee.

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Mr. McGuigan: I have a final suggestion. You say only 10 per cent of the reports actually say the area where the accident happened.

Mr. Stephens: Not where it happened; what caused it. We know the location, the department or plant site or mine or whatever, but what were the causal factors--I cannot remember the words exactly--but one of the questions asked in the history or description of the accident is what the causes that contributed to the accident were. Unfortunately, the answer to that is not filled out as often as we would like. We are prepared to code it, but from our information, we only get that completed perhaps one tenth of the time.

Mr. Wildman: Surely accidents are investigated by the mining health and safety branch of the Ministry of Labour and by the workers--

Mr. Cooke: By the joint health and safety committees and, in certain circumstances, by the police. All kinds of investigation go on.

Mr. Wildman: How do you share that information? If you want to be able to relate the number of back injuries in mining to causes, to see if you

can identify some pattern in terms of what kinds of lifts are being required in mining and what kind of occupations underground, or on the surface for that matter, are contributing to back injuries, surely that information is available, even if it is not coming in on your form? Surely, the mining health and safety branch is going to have information on why the accident occurred.

Mr. Cooke: There are certainly a lot of places where that information is gathered. Unfortunately, the Workers' Compensation Board is not involved in that part of the activity. There is no recording at the WCB of the causal information except, as Mr. Stephens has suggested, when it comes in on form 8. We do not get reports from the Ministry of Labour or from the joint health and safety committees or anything of that kind. The information at the WCB, however, is available to those institutions and if you wanted to get whatever it was coming together, that information supplied, you might get it from those sources.

On the business of changes in the mining industry, the biggest change is they have moved to bulk mining and removal of workforce people from certain kinds of exposures, so that you would get a change in the mix of accidents and severity as a result of that. You may get the elimination of a whole lot of minor accidents in that kind of change.

Mr. Stephens: You should also be aware of the fact that when you say there are lots of investigations going on, I quite agree with you, but only for the very serious ones, the ones that the Ministry of Labour, I guess the mining health and safety branch--obviously, if there is a death, there is not an inquest but something similar to it.

Mr. Wildman: There are inquests underground.

Mr. Stephens: I am talking about the 200,000 lost-time accidents that come into the board in the course of a year. Unfortunately, we only get about 10 per cent of those for which a cause of accident is actually itemized on the form 7.

Mr. McGuigan: I just want to return to that--

Mr. Cooke: It would also be quite a problem to relate a particular kind of injury to a particular incident. If you have an accident this afternoon, if I tip over backwards on my chair here, we have an accident. I disappear. People report that I tipped over on my chair, did something dumb that should not be done again. That is the accident report, but whether I hurt my back or whether I bruise my shoulder or get a small concussion from whacking my head is not recorded by the accident investigation committee. They are not involved in that territory. That is diagnosed somewhere else by the medical profession.

Mr. McGuigan: I guess you are accustomed to criticism, so you will not take this too personally. It seems to me there is a bit of a weakness in that only 10 per cent of the people provide that information. While compensating people is your big job, at the same time prevention is something that a lot of other people would like to get at. It seems to me you should make some effort there to get better reporting.

Mr. Ridout: If I can respond to that, the purpose of the form 7 is to initiate in a very timely way the payment of compensation to people who are off work, and so the amount of time the employer has to submit that form is quite constricted. Sometimes the accident investigation needs to take longer

than that in order to make a proper and complete investigation. That is actually why I was also referring you to the work that the Mines Accident Prevention Association of Ontario has been doing. In some of the associations they look at that and follow up on claims with their member firms to try to get the results of those accident investigations. But the primary purpose of the form is to satisfy the needs of the insurance side of the board's business. It is those raw data, which come in very quickly, that Ron has to work with.

Mr. Stephens: John is quite right in that regard. When we get the information, that piece of information is not a critical piece of information to the adjudicators. They want to know, is the earnings information there, did the accident take place during the course of employment--that is, a work day or hour. A lot of the other very critical fields they have to just check through quickly to get a fairly quick adjudication on. They do not really care if there is a big, long description or no description at all of the cause of the accident. Unfortunately, there are other players on the scene, such as the authority, the safety associations, yourselves, who are very interested in the prevention side, which I will not minimize.

We have taken the position in working with the authority and many of the safety associations, and asked them and pressed them, saying, "Perhaps you really should develop your own programs, forms and investigation procedures to unlock the antecedent causes of accidents." Even if you did fill in our form, you probably would not get a terribly detailed description of the accident. But on a local industry-by-industry basis, where they probably have some different work processes, they can do some really good work, and some of the associations have done very good work. The mines accident prevention association, from what I have heard from Peter and John, is doing quite a bit of special work there. I think the construction safety association, for some of the rate numbers, has also done some good accident causal investigation and reporting. That has been one tack that we have tried to follow to get at that piece of information.

Mrs. Marland: When you are commenting in your report, Mr. Stephens, one of the things you address is that there has been more vigorous inspection under the Occupational Health and Safety Act in the area of safety regulation activities with respect to the mining industry. Could that become broader? And if it were more vigorous than it is now by the added number of inspectors, would you see that as being something that, overall, could then reduce the severity as well? We have succeeded, obviously, in reducing the number of incidents, but do you see a heightened thrust in the area of inspection as being something this committee might recommend?

Mr. Stephens: Just on the basis of my opinion, I think it is going to be more difficult to really get severity down. I am not so sure that having more inspectors, more professional inspectors or more rigorous inspection is going to have the same impact on severity as it did have, perhaps, on the frequency rate or the absolute levels or numbers of accidents. I think there are perhaps more broad-based factors that are in play here that may be difficult to resolve or overcome.

Mr. Cooke: I do not know that we are in a very good position to judge the effect of inspectors on severity. It would depend on the kind of accident that was eliminated as a result of the inspection. If the inspection is concentrated, for example, in areas of severity, they may be able to assist in bringing it down. But the inspection branch generally has to look at the whole thing. They are not necessarily dealing with just the ones who have

long-term disabilities, in relation to other injuries. They are looking at what is safe and unsafe from the point of view of what happens in the workplace. It would be pretty hard to judge that kind of thing.

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Mrs. Marland: The more unsafe it is, the higher the risk of severity in a traumatic accident, I would guess.

Mr. Cooke: When you say "more unsafe," that is a very difficult term. If you have a machine flailing around open in the air with no guards on it, that is very unsafe and may be very obvious. Yet the injuries which come from it may be only cut fingers; the severity of the injury may be modest. But if you had a rockfall, somebody suggested you might have somebody eliminated or legs crushed or contusions that are much more complex; you would therefore get a severe kind of thing. The inspection would not necessarily eliminate one more than the other.

Mrs. Marland: Frequency of inspection would heighten the awareness of the operators of that equipment to the regulations and that the regulations are there to enhance the safety of the operators and those people around the operation. Of course, it is going to be far easier for us to understand this when we see it in the beautiful, three-dimensional colour world of actually being there, which I am looking forward to, but I am wondering if there is a relationship between the severity of injury and the size of the equipment.

I was amazed at one slide that showed what seemed to me a huge piece of equipment to be underground, and I am sure it is small compared to some equipment we may see. I am sure mining operations today use larger and more complicated equipment than they did 20 or 30 years ago. Has that relativity been looked at in terms of cause and effect?

Mr. Cooke: The whole process of bulk mining is fairly new in Ontario, and the studies you are suggesting have not yet been done, I think. The chap you had here this morning perhaps could answer those kinds of questions better than we could.

Mr. Ridout: If I might offer a comment with respect to Mrs. Marland's wondering about the intensity of the inspections, it might be worth looking at the number of inspectors versus work sites in the mining industry, and the frequency of those inspections now versus the other major sectors of industrial and construction, to see what is the current frequency of inspection per workplace, given the number of inspectors vis-à-vis the others and whether historically that has meant any difference.

Mrs. Marland: That is what I meant by the heightened intensity of inspections, because if the number of incidents has been reduced, it is probably relative to the inspection and the subsequent enforcement of the safety regulations.

It has come out in some of your comments that the operators themselves--certainly we have been hearing this from other presenters, too--have become more and more conscious of safety and the requirements to protect themselves and their fellow workers. Is there mandatory education in this area that is updated on a regular basis among all workers? Once they have taken the current training for what it is they are working on, is that it, or do they have to go back every year and be refreshed on what it is they are supposed to be doing, in case they have lapsed into sloppy ways of operation?

Mr. Cooke: I think you had better ask those questions of the workers' representatives you are going to meet and the operators you may meet. In the last number of years, since the Occupational Health and Safety Act has been in place, a number of significant changes have taken place that were collectively arrived at by the industry, the unions and the Ministry of Labour.

Core training, which I think you are referring to, was developed some years back and workers who want to go underground have to have that training. There is a whole set of health and safety training that goes on that has been developed between the partners in industry, the workers and management, and the inspectorate has certainly played a role in that whole process as well.

I think you would have to get the details of that kind of thing from them. They would be in a better position to give you an estimate of its value than we can sitting at the Workers' Compensation Board. Also, I think the Mines Accident Prevention Association of Ontario, which works with the industry, is a legitimate part of that whole process. They are constantly putting together training packages and delivering them for the various corporations in the industry. I think it could perhaps give you a good assessment of that as well.

Mr. Ridout: The common core program that Stewart referred to was a program that was initiated subsequent to the Ham investigations. It was developed through what is now the Ministry of Skills Development and involved labour and management within the mining sector.

It started off creating a common core of 40 hours of training for anybody who was going underground to work in a hard-rock mine for the first time. It has subsequently expanded into a more elaborate training for various parts of the skills required to be a "miner," specialty skills. If my understanding is correct, I think it is even carried forward into supervisory responsibilities as well as now into soft-rock mining. It is a fairly elaborate and ongoing structure of training, a process that has existed for some time.

In my own view, I guess what continues to bring accident rates down in any industry, and hopefully the severity of them as well, is the commitment and the action of the two parties in the workplace itself. They are the ones who are there every day. It is our task to try to encourage that; awareness and behaviour that leads to good prevention.

Mrs. Marland: Among the injured workers who come through the board as your patients, do you see any--those men from the north are so thin-skinned they cannot take the fresh air.

Mr. Chairman: I cannot take the diesel fumes that are coming in from outside.

Mrs. Marland: I am sorry, Mr. Chairman, I had opened the window.

Do you see any pattern of relativity in the age of those injured workers who become your patients? What I am wondering is, is an older worker with more experience more or less liable than a younger person, or is the younger person more conscious, more trained, because he is new, more observant and therefore better protected? Do you see anything in age?

Mr. Ridout: Ron might want to comment, but historically, as we look at accident statistics, we tend to find that the largest majority of people

who get injured are in the younger age groups, between ages 16, 18 and 24. That block of folks has a more frequent occurrence of injury.

What the chairman pointed out earlier is that the level of age in the mining industry, especially in some sectors of it, has increased fairly dramatically. I think those men and women who have longer experience at their work are probably less inclined to have a first accident or another accident, but--and we talked about it earlier--age may be a factor in the severity and the capacity to recover quickly and get back to work.

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Mrs. Marland: Because of the very fact that the physical body and those organs are older, the recovery has to be longer. That is the reason for the longer recovery, I would assume.

Interjection.

Mrs. Marland: What are you saying, Doug?

Mr. Wiseman: I was saying those with grey hair have a better chance, and we even lump in the ones with grey beards.

Mr. Lewycky: The answer is a little more complicated. We cannot just give it in one sentence. We looked at some data between 1976 and 1981 or 1982 and what we found was that the rank ordering changed between 1976 and 1982; that is, we found that for young people the frequency rates were dropping off, for people in the middle years the frequency rates stayed relatively the same and the older people were getting higher accident rates.

What we think was happening between 1976 and 1981 was that there had been a shift of young people leaving high-paying and more hazardous employment from the economic squeeze, and older people, because they had lost their apprentices, now had to work for two--they had an extra pair of hands to help them--and were getting higher accident rates. It is hard to say how the ages compare.

Mrs. Marland: Did you say "lost their apprentices"?

Mr. Lewycky: We are speculating that generally when you had an older man who was 55-plus, he would probably have been matched up with some younger guy to show him the ropes. When there is an economic squeeze, the young guy is let go.

Mr. Wildman: So he is not there to do the lifting.

Mr. Lewycky: He is not there to do the lifting, he is not there to do the go-foring for the older guy; so the old guy has a higher accident rate. You can see the old guys are shooting up and the young guys are disappearing out of high-paying, highly hazardous industries and moving into working for McDonald's and so on.

Mr. Wildman: Hurrah for McDonald's.

Mr. Wildman: I have a couple of questions that I have come across as we have gone along.

First, in terms of the Workers' Compensation Act itself and the way it operates, you are dealing with injuries arising out of the work. When you talk about a traumatic injury, that does not necessarily have to be related to an actual incident or accident, does it? Can it be someone who is working in a certain position over a long period of time and because of the ergonomics, he sustains a back strain or tendonitis or something like that? Has the board done any work in that area to try to determine whether certain occupations have a tendency over a long period of time to produce a certain kind of strain and to develop new kinds of equipment so that the position might be eased and the strain eased? Does the board do that kind of work with the industry, or is that left to the accident prevention association?

Mr. Stephens: Maybe I could make a comment. We do a considerable amount of analysis of the relationship between accidents or illnesses in occupations, and we take the occupation to a fairly narrow occupational definitional base, but it is still probably not to the kind of detail that you are looking at. I will give you an example. In order to summarize, we have to have some kind of common coding reference, and we use the most reputable in Canada. It is the Canadian Specification Dictionary of Occupations by Statistics Canada, CSDO.

It has about 800 occupations in it, which you code up to about four separate digits. To do the kind of analysis I think you are looking at, one would have to go to a lot more detail. I think it really would have to devolve to some type of organization like the authority or the safety associations. I think the ministry at one time had an ergonomist on its staff. I do not know whether the Ministry of Labour still has an ergonomics unit, but I gather it was going to get into that kind of work. To answer your answer, I do not think we have the level of detail to be able to do those very fine correlations that you are looking for, in my unit anyway.

Mr. Ridout: From the work of the safety associations--I use the term "safety associations," but I should use the term "delivery agencies" because we do have the workers' centre--there is starting to be an increase in disciplines like kinesiologists, ergonomists and industrial hygienists on the staff of the associations and the workers' centre. There is a shifting orientation so there is some work going on in looking at workplace, work factors, traditional ergonomics work. It is not as sophisticated and it is evolving, but it is coming.

Mr. Wildman: I do not know whether the board does this, but does the board anticipate, as the workforce gets older, a higher incidence of illness related to workplace claims?

Mr. Stephens: It is a moot question whether the average age of the worker is getting older. It may be so in mining.

Mr. Wildman: I am talking about in mining.

Mr. Stephens: It is very unique thing but do not forget mining, according to our numbers here--I do not know--is not more than 10 per cent of the total claim base of the board.

Mr. Wildman: We are talking here mainly about mining. That is what I am referring to.

Mr. Stephens: OK. Certainly, I would accept what you have said there, that because of the layoffs and so forth the mining workforce is

getting older. Do we anticipate this causing more illness claims? Undoubtedly, we do, but again to answer that question--maybe to go back to the first one: I think there is a new thrust to begin in the policy and specialized services division of the Workers' Compensation Board and the rehabilitation group in terms of hiring a number of work-site analysts. Am I right, Mr. Ridout, in that?

Mr. Ridout: Yes.

Mr. Stephens: That is starting to move pretty quickly. Still, you are talking about maybe 10 or 15 people, but there is a thrust in that direction. To the extent they will have a few people available for the mining industry, I do not know, but I know the board is quite keen on having work-site analysis done in terms of the kind of work done and the extent to which it has caused certain kinds of industrial illnesses like tendonitis or white finger or whatever.

Mr. Cooke: I think there would be an anticipation of the kind of illness-related disabilities as a workforce gets older because latency periods are reached and things of that kind, but I do not know that anybody has worked that out in a statistical anticipation. It is pretty hard to do that.

Mr. Ridout: I was just going to say I had the opportunity to be here the other day when the Ministry of Mines was speaking to you. If what they were showing up on their map comes through, we may have just an opposite scenario in which a lot of mines that are currently under development could come into play. We may see yet another hiring thrust coming into mining if that was--

Mr. Wildman: Right now there is a shortage of trained miners.

Mr. Ridout: I was just going to supplement that and say there are quite good opportunities for people who work in mining.

Mr. Wildman: But if you look at, say, an established workforce such as Rio Algom or Denison Mines or particularly Inco, with the last-in, first-out provision in the seniority, as the total workforce goes down--in Inco it has gone down substantially. I think the average age at Inco now of underground miners is something about 45, is it not?

Mr. Chairman: That is overall Inco.

Mr. Cooke: But even that trend will change because now that the significant reductions have taken place, there will be a rollover of workforce bringing in younger people, and then at the top the old ones go, so that reduction will also take place again.

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Mr. Wildman: But certainly if you are talking about a serious illness like lung cancer, silicosis, pneumoconiosis or even hearing loss, that takes a period of time to develop; so if the miner is getting older, as he gets older, you are more likely to get a claim, as opposed to someone who has just started in that. Also, he may have worked in less safe conditions when he first started working and was exposed to more serious hazards.

When you talk about the numbers of serious claims, severity of claims increasing in mining, is there any way you can relate that to new disorders being recognized as compensable by the board which may not have been recognized as compensable previously?

Mr. Stephens: I am not so sure we have come across too many that are new, and again I can only indicate to you how we do things and then you can judge yourself whether we are able to do it.

To determine nature or part of body and type of accident, we use a coding reference which is quite a well-regarded international one called the International classification of Diseases, and "A" stands for adjusted for North American or American use. It is the ninth or 10th edition, I think. It is updated every 10 years.

To the extent that that reference book that our girls code from includes new diagnoses, we will get them when we do our translation of what is on the form 7. They have to put a four-digit code as to what the ICDA book tells us to put down there. That is the extent to which we will identify new diagnoses.

I am not so sure there have been too many radically new ones added in all the 15 years I have been at the board in this particular area. We are working on our second edition. I guess there are, what is it? nine? We started with eight. I do not think there were that many new changes, from what we could see. So it is a fairly slow kind of thing.

Mr. McGuigan: --that has included some gold miners recently?

Mr. Stephens: Who worked before 1945.

Mr. Wildman: Stomach cancer in gold miners.

Mr. McGuigan: Have you not added--well, there were gold miners--

Mr. Cooke: There were gold miners who were covered by compensation claims of one kind or another.

Mr. Stephens: I think maybe we are talking about different things. I am just talking about the way we classify lost-time claims in terms of--

Mr. Wildman: But it follows from my question today. Mr. McGuigan's question is that it has now just been announced that miners who worked in gold mining prior to 1945 and whose widows, in most cases, families, have made claims will be recognized as compensable. That is a new group that would not previously have been considered a workplace disease.

Mr. Stephens: Right. We have always categorized lung cancer, but we have not, until only recently, allowed it for gold miners. It would still be in another database that exists on fatals and industrial diseases, where they do classify all claims reported--because a lot of these claims still got reported even though they were not allowed--

Mr. Wildman: Oh, I see.

Mr. Stephens: --and we would still have recorded that. But that is not what I would call a newly found or unearthed diagnosis, if you will. Lung cancer has been around for a long time. The board has changed its policy and

now will pay for widows of miners who have died of lung cancer in the gold mining industry.

Mr. Wildman: Yes.

Mr. Cooke: But the legislative changes and the policy changes at the board have added a group of claims, of course, that were not previously recognized under the policy of the board.

Ms. Luski: I am interested in your definition of "occupational disease." I note on a page of your brief that under "occupational disease" you have such things as burns, chemical burns, welder's flash and freezing/frostbite.

Mr. Stephens: Yes.

Ms. Luski: It seems odd in my mind that those are classified as diseases. I think of those as perhaps one-time injury and I would not have thought they would be classed as an occupational disease.

Mr. Stephens: That is a good question. I have questioned some of them, but the American National Standard Institute system--I think Peter can expound on that--is a major resource we use and determines how we classify the nature of injuries, whether injury or disease.

Mr. Lewycky: What you are referring to is the American National Standard Institute method of coding work injuries. That is the accepted way of distinguishing between traumatic and disease cases, that is, inflammation of joints, burns, dermatitis and so on. I understand it appears to be a traumatic event, like one shot, where the pathology is well known and you can put it to a specific time, but the fact that it often takes time to express itself, like welder's flash, where it takes several hours of exposure or maybe something over a period of days, and finally the fellow wakes up the next morning and his eyes feel like they are full of sand.

Ms. Luski: Would other organizations, such as the Mines Accident Prevention Association of Ontario, have the same criteria for defining what a disease or an injury is as the Workers' Compensation Board?

Mr. Lewycky: That is a good point. I really do not know. I would have to look at their stats, but if they follow the convention, they would split it this way, whether they liked it or not.

Mr. Stephens: We think they do, but it is sometimes not clear. I know we have had some differences in the past over how they categorized and classified certain things and the fact that they sometimes were a little bit reactionary in not wanting to include illnesses, particularly illness fatalities, as being a legitimate mining fatality. That was going back many years ago. Those things have come about in the way of discussion with them.

I know they get a copy of our database, that is, for all accidents involving mining industries firms. Knowing Jim Cluff, who I think is their statistician up in North Bay, I think he mounts this data in their personal computer. If he does that, I am assuming they are using the same kind of classification we are. They have got the same data and it is determined and identified in the same way.

Mr. Cooke: MAPAO uses our data for some purposes and collects its own for others. I am sure they would understand these definitions. If they differentiate in the use of them, they would be able to explain where and why.

Mr. Wildman: If the board is dealing with a particular company and notices a significant increase in the number of injuries one year over the previous year, that obviously is going to affect its assessment. You said you notify them, make management aware and you change the assessment. Does the board do anything else to give information to the company to encourage a lowering of the numbers of accidents?

Mr. Cooke: What happens in that instance is that the information is supplied to MAPAO and it is working with the board in that way. It goes and tries to sort out what it can with the companies involved, to show where their problems are and see if it cannot do something to assist.

Mr. Wildman: As MPPs, we are often informed of rumours--I will call them rumours--that management in certain instances would prefer that in a minor accident, the individual not report it to the board, just go on Ontario health insurance plan and take light duty, in order to avoid an increase in assessment. How does the board deal with that kind of rumour?

Mr. Stephens: Were you looking at me?

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Mr. Cooke: The board has a number of investigators who go out to investigate the target, regardless of how it is initiated. It may be initiated by a claims investigation where it is thought there is a worker doing something improper about a claim to the board. At other times where they think there is wrongful completion of forms by an employer, they would pursue that too.

Mr. Wildman: In terms of the occupational health and safety branch inspectors, there were questions raised about the frequency of inspections as a way of increasing safety awareness and perhaps lowering the number of accidents. While I personally think it would be useful to increase the number of inspectors and the frequency of inspections, it is obviously not going to resolve the problem completely. I know of an incident that you, Mr. Chairman, will be aware of in a mine that is on the boundary between your riding and mine.

Mr. Chairman: That does not mean I will be aware of it.

Mr. Wildman: This is a very serious situation. A year or two ago, an accident occurred the same day that the mining inspector was carrying out his inspection. He and the representatives of the joint health and safety committee walked past a site within the mine and did not notice anything. Then, an hour or two after the inspection had taken place, it was discovered that a miner was missing, that in fact the young man was lying under a pile of loose they had walked right past; he was dead at the time the inspection took place and nobody knew about it. So there are other things we have to deal with in terms of communication among miners, miners working alone and proper supervision that will not be resolved simply by improving the number of inspectors and the frequency of inspection.

Mr. Ridout: I believe you are right. I think it falls again to the importance of good work practice, training and communication between the

parties in the workplace. The inspector, no matter how many you have, cannot do the managing and he cannot do the mining.

Mr. Wildman: The final question is--I do not suppose you have these figures, but perhaps you could confirm for us that you do not--do you do any analysis about the number of mining accidents that might in any way be related to the bonus system, which was raised on a number of occasions with us?

Mr. Stephens: No. You are quite right; I will confirm with you that we do not have that information.

Mr. Cooke: There is some information that has been worked at. Again, I believe the Mines Accident Prevention Association has some. The difficulty is really that the reporting that comes to the board is on the level of earnings of an employee, not what makes up the earnings, so you do not get whether somebody is a bonus worker from our records.

Mr. Chairman: I know it is a bit of jargon using the term, but since the advent of experience rating, which I know the statisticians will be familiar with, has there been any noticeable effect on injury rates in those industries that are now working under the experience rating system?

Mr. Stephens: I do not have any evidence to say it has or has not. I know the board is moving very, very quickly in evaluating at least one prototype of a broad-based experience rating program called NEER, as you are probably aware--new experimental experience rating system--which is going to include a lot more firms, rates and classes. There have always been experience-rated firms, as you know.

I think that kind of question probably could be answered fairly easily by our actuarial people.

Mr. Chairman: Oh, no. We have had the actuarial people here--

Mr. Stephens: John Neal?

Mr. Chairman: --and they totally intimidate us.

Mr. Stephens: Oh, John is not that bad. My office is right beside his. You just have to ignore him most of the day.

To be serious, I do not have the information here. In theory, it sounds as if it should, from what you are telling me. Everybody knows that if you are going to pay for your costs, you are going to be a lot more vigilant as far as the employer is concerned, and you are going to be a lot more careful and conscientious in developing educational programs with your employees because it is going to hit you in the pocketbook directly. But theory and practice, I cannot say. Again, I would have to say, in all seriousness, the actuaries have to give you that kind of information. Hopefully, they are doing that kind of review and analysis.

Mr. Cooke: Our problem, of course, is that a number of things come across the table at the same time. If the NEER program were out all by itself and we were not having to have additional assessments added for this, that or the other thing and we could have a direct impact on the contribution an employer was going to pay for his compensation the very next year, and show him that it was going down as opposed to going up or something like this, we might do it.

Our difficulty is that there has been a number of complications each time. Generally speaking, the contributions of the employers have been increasing, with some significance in the amount of the increase each year for the last number of years, and this does not allow for incentive programs, which might not offset the premium structure by that kind of an amount to really have an evaluation effect at this point.

Mr. Chairman: As a member of the Legislature, my mail from employers and employee organizations has increased substantially in the last year on the whole matter of assessment of employers. It has increased considerably. I can imagine what it has done for the government members. I assume the same in spades.

The reason I raise it is that with mining you get a lot of small mines opening up, or at least being developed. They tend to have the high accident rates, I understand. You would think that experience rating would be a real message to them, but maybe it is too soon.

Mr. Ridout: The NEER program is not generally applicable in the mining industry at this time. The board's experimental experience rating program is not in all of the rate groups in the mining industry at this time. It has only recently been introduced into one rate group, and that is the O91 rate group, mixed mining, and I think it is just now completing its first year.

Mr. Chairman: It has been in the forestry industry for a while, though, has it not?

Mr. Ridout: It started with the forestry industry, that is correct.

Mr. Chairman: Have you noticed anything there? I suppose it is as Mr. Cooke says, it is hard to prove anything there too.

Mr. Ridout: You cannot do controlled experiments very well.

Mr. Chairman: I do not like experience rating anyway.

Mr. McGuigan: Do you not have a system whereby you identify any employer in any industry and say, "Hey, that was totally your fault, and therefore"--we will say this accident costs \$100,000 for rehabilitation, hospital and everything else--"you are going to pay that \$100,000 directly"? Do you not have a system like that?

Mr. Stephens: Not unless he or it is a schedule 2 employer, which is a direct payment employer. No, we do not, again, unless it is experience rating.

Mr. Cooke: It is a collective risk in classes. It is an insurance risk by classes.

Mr. McGuigan: I have had some personal experience. I had a bad accident quite a number of years ago. Fortunately, the person recovered, but the cost was \$15,000. This was 25 years ago. It almost put me out of business at the time.

Mr. Chairman: It cost the employer that, Jim?

Mr. McGuigan: No, it cost the board that, but the board came back to me and said, "You're going to pay the \$15,000." I am telling you, that caught my attention.

Mr. Chairman: How could that be?

Mr. Stephens: That does not sound correct. The only thing we do have is, we have always had that subsection 91(7) penalty where, over a three-year period, if your injury frequency rate and your accident costs are 50 per cent or 100 per cent higher than the average for your rate group, your industry group, we will sock you with a penalty of 25 or 50 or 100 per cent of your assessment, but you still would never get charged the actual cost.

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Mr. McGuigan: We had a low rate and then, suddenly, along comes a \$15,000 claim and it boosted me.

Mr. Cooke: It would pop your rate up all right, but if you had three years in a row like that, and you were well above the average for your class of industry or your group in a collective way, then they could put a 100 per cent penalty on you.

Mr. McGuigan: I do not recall that I had a three-year--maybe I did, but I do not think I did.

Mr. Chairman: You were paying assessment.

Mr. Ridout: There are three criteria to fulfil a subsection 91(7) penalty. There is the criterion of lifetime cost, the criterion of your accident frequency being 25 per cent greater than that of the rate group you are in and then there is the criterion of your costs in any one given year. I forget what the ratio is there. I think it is 85 per cent or something, but in two out of three years of the formula, if you fall into the category, you get dinged. You may not have recognized it but if you were a small operation, you may have found that your one costly accident, relative to your total assessment, was really quite dramatic.

Mr. McGuigan: I was given the opportunity of a hearing. I presented the case myself and proved to them that it was one of those once-in-a-lifetime situations. I did not have to pay the \$15,000.

Mr. Cooke: That is part of the process.

Mr. McGuigan: It sure caught my attention.

Mr. Cooke: It sounds to me like you were in a 91(7) situation, because that is the one that has that kind of appeal process attached to it.

Mr. McGuigan: So that system is still in there.

Mr. Ridout: Yes, it is.

Mr. McGuigan: Does it ever apply to mines?

Mr. Ridout: Yes, it does.

Mr. McGuigan: So that would certainly catch the attention of the mine operators.

Mr. Cooke: There have been a number of people who have had their attention drawn to the problem by that method.

Mr. Wildman: Just one other question. We have had suggested to us that within the mining industry the highest frequency--I am not sure of severity--of accidents tends to occur among contractors; that is, the companies whose job it is to go in and build the mine, basically, to sink the shaft. Unlike a production operation, they are in the process of putting in the safety features.

Mr. Ridout: Shaft sinking.

Mr. Wildman: Do you have figures on the number of accidents and frequency among contractors as opposed to producing mines?

Mr. Cooke: They run pretty high in relation to the others. The contractors are 81.72 and the diamond drillers are 112.04 as compared with 27.91 for gold, 22.93 for nickel, 39.66 for uranium, mixed at 20.34, and iron at 15.07. So, yes, they are higher.

Mr. Wildman: They are something between three and five times as high.

Mr. Cooke: Yes.

Mr. Ridout: Those figures Stewart was just quoting to you are frequency figures expressed in injuries per million man-hours worked.

Mr. Chairman: I wonder if we could have a copy of that. As well, what we would like is the assessment rates per \$100 of payroll for comparative purposes.

Mr. Ridout: Sure.

Mr. Wiseman: I would like to ask a supplementary. We hear about the high rates for sinking the shaft and one thing and another, and the diamond drill. It is one thing to assess them through workers' compensation for a higher rate and, hopefully, if you put the rate up high enough, they will correct their situation, but the thing I would really like to get at is about the poor devils who work in those things who are experiencing the injuries.

I would think the occupational health and safety branch would get in there and say, "Even though you are paying the higher rate and everything, we are concerned with the people who are constantly getting hurt," and try and try to put it down to whether it is rig number so-and-so done by contractor so-and-so who has a real poor record, or maybe it is general. Maybe they are all kind of sloppy in the way they do it and cause these injuries. For the life of me, I cannot believe that the men or women who run those rigs should be exposed to that, even though the contractors are paying the high rate of compensation.

Something that alarmed me a little while ago is that it seemed--I was giving full marks to occupational health and safety, and maybe that was wrong--they kept referring it back to this other group--I forget what you call the other group--to correct injustices that were going on or do something in the workplace to correct things. As a layman, I may be way out in left field, but I would have thought it was between your two groups to highlight those things and send in an inspector to see they were corrected and maybe work with the accident prevention group or whatever it is. What was that other group you mentioned?

Mr. Cooke: The accident prevention groups are groups that we do work with.

Mr. Wiseman: Yes, and maybe it just came across wrong to me, but it looked as if whenever there was a problem you shoved it off to them--

Mr. Cooke: No.

Mr. Wiseman: --rather than what I thought, that you do your job and go up with inspectors and see what is actually happening on site.

Mr. Ridout: I think what might be helpful to you is--I noticed you were absent when we first started--I did make a brief opening statement explaining the relationship of the Occupational Health and Safety Education Authority vis-à-vis the safety associations and the workers' centres, which are organizations funded through the board. In effect, we are in constant relationship with those organizations in the work of accident prevention.

The Mines Accident Prevention Association of Ontario is one of the nine safety associations we deal with. It has responsibility as part of that industry for several rate groups, one of which is rate group 106, which is the contractors. The diamond drillers fall into another contract. Part of the strategy of their organizational response to the industry and that sector of the industry is to offer services of education and training and to encourage through a variety of means the prevention of injuries.

The nature of the work of contracting--

Mr. Wiseman: Do you fund them or is it the employer?

Mr. Ridout: All the safety associations are funded by assessments which are collected from the employers. The money comes in to the board. The associations are set up such that they have their own board of directors. They prepare their own budgets and handle their own administration. However, they are in an administrative relationship with us so that their budgets and their programs, etc., all have to be approved and recommended by Mr. Cooke, myself and our chairman of the WCB board of directors for budget approval each year. It is that type of relationship.

Mr. Cooke: They do not, and nor do we, have inspection authority. What they have is persuasion. The employers who make those associations try to bring along all the employers in the rate groups that they represent and try to disseminate information and thought. They do not have any right to enter the property, to inspect it or otherwise. They are educators, information suppliers and assistance givers. That is the style of operation that is there.

Mr. Ridout: And consulting.

Mr. Cooke: And consulting. The Ministry of Labour functions in the inspection role and in the enforcement role. That is not the role of the Occupational Health and Safety Education Authority or the groups that it funds.

Mr. Chairman: As a matter of fact, that is why the Mines Accident Prevention Association of Ontario is before us tomorrow morning.

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Mr. Wiseman: I am just trying to clarify it in my own mind. I thought that if one employer, if maybe two or three accidents came in to you from basically the same workplace in the same area, that would trigger workers' compensation along with occupational health and safety to say, "There

must be something wrong there; we have had three accidents in the last month and all of them within a certain area of the mine or whatever," and to send in one of the inspectors or someone to check that out to see if we could not correct it.

Mr. Ridout: I think your comment is correct if you would use the words "a representative from the association" going in as opposed to an inspector. It would mean an inspector in the sense of the Ministry of Labour. That would be the difference.

Mr. Wiseman: If this sort of group were made up of people within the workplace, would that not be like looking at yourself rather than having someone else like workers' compensation come in and say, "This is a hazard and has to be corrected.?"

Mr. Cooke: The people who do that are from the Ministry of Labour inspection branch, the mines inspection branch of the Ministry of Labour occupational health and safety branch. That is the group that does the inspection, the ordering and the fixing. Mines accident prevention would approach a company that has had problems of that kind and say: "Can we help you? We have these consultative services available. We have these training programs available. We have this educational information available and we are prepared to help you."

The one is an enforcement officer with power; the other is an educational institution and does not have the power, the clout. They do work in tandem in the sense that when there is a problem both have their minds drawn to it. The same information that is on these sheets is available to and is supplied to the Ministry of Labour. They know that the contractors are the serious area. They know that the diamond drillers are even more serious.

Mr. Wiseman: I am still not clear. I must be dense.

Mr. Cooke: You are frustrated like the rest of us.

Mr. Wiseman: At what point in time does workers' compensation see the claims? How many do they have to have before they notify the next group, "You had better get in there," or do they put a heavy on the employer and say, "In this area, we are going to have to reassess you a higher rate if you do not clear this up."

Mr. Cooke: Not "if"; they would do it because of behaviour. If accidents are higher than the rate structure will support, there is a reassessment. It is going on every year if the class is assessed.

Mr. Wiseman: I guess the bottom line is that if you have so many groups out there, one telling the next group what to do and that such and such is a bad apple, to make sure it does not break down I hope as a lay person that the three of you, or the number there are, would work really closely together. It is beneficial to everybody--employer, workers' compensation, occupational health and them all--to keep the accidents as low as they can. I was concerned that there seemed to be a breakdown. It happens many times in government that one does not know what the other one is doing.

Mr. Stephens: Maybe I can shed some light on it from another perspective. The board essentially does not have an inspection group per se. It is the Ministry of Labour essentially and, to some extent, I guess you can say it is the Mines Accident Prevention Association of Ontario. The Ministry

of Labour gets a copy of every accident form we get; in fact, it may get two copies. Every safety association, except one which is not the one you are interested in, including the MAPAO, gets a copy of every lost-time accident form, too.

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From what I know of what the ministry does with it, it gets a copy of form 7, the employer's report of accident lost time. It used to have a group of people who actually collated it, classified it and sorted it in such a way as to fit into its three safety inspection branches, industrial, mining and construction. I believe the board's employer's report of accident form 7 was used as a trigger for the inspection program.

In a sense, there was no lack of communication. Photocopies were being made of the accident form and they were going directly to the Ministry of Labour. We would get the original to pay compensation and the Ministry of Labour would get it to develop its routes and schedules of how it was going to allocate its inspectors. I do not think there was a breakdown in communication from that standpoint.

Then there is the case of the very serious accidents which, after the fact, are inspected by the Ministry of Labour, those which involve very serious injuries and/or death. I am not so sure--

Mr. Wiseman: Do you occasionally have meetings with the other areas, as we mentioned? Do you have occasional meetings with them just to go over areas of concern with them?

Mr. Stephens: Until a little while ago, there were quite regular meetings. At least I would be involved, particularly with this group, in trying to maybe develop a better method by which they could get information from our accident claims to develop some more effective kind of inspection procedures and programs. We met with them relatively frequently until recently.

There is some interface and action going on between the authority and the ministry, I am sure, with their common interest in safety education and accident prevention--

Mr. Chairman: What happened to that group that used to meet regularly?

Mr. Stephens: It was not a structured kind of thing. It seemed to come about fairly infrequently. I would say once or twice a year we would get a call from an executive director or assistant deputy minister, or the director of the employment standards branch or the construction health and safety branch or the mining health and safety branch to get together to see what we could do in the way of better transmission of information.

The ministry found this to be a fairly big job from a paper standpoint because, again, if it got a copy of every lost-time form 7, that is 200,000 forms a year going in there. They had to keep a fairly large group of people employed just to do a fairly basic thing.

Mr. Wiseman: This is why I say it is too bad these meetings are not back on the rails again because you can cut through a lot of red tape over lunch for a couple of hours.

Mr. Stephens: The point is that they were still getting a copy of this form 7. I still think they have a group; maybe Peter, who used to be employed with the Ministry of Labour until two or three years ago, could shed some light on whether that still exists now.

Mr. Lewycky: It is not so much that they do not know where the problems are. They know where the problems are. They just do not know what to do about it. It is very difficult to come up with a preventive strategy that can answer all possible anomalies you can come across in a mine. You can have a fatality, investigate it, do a very vigorous investigation and recommend that you put an extra device in place. Lo and behold, six months later, you will have an accident that involves that device. Another failure or breakdown--

Mr. Wiseman: I was not thinking so much of the ones that maybe do not occur that often, but rather that if you saw a frequency occurring, that sort of thing could be jumped on really fast. Sometimes I found in my little dealings that getting together with the officials in the different areas was faster than shuffling paper in getting results.

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Mr. Cooke: We do have get-togethers. For example, on the legislation on right-to-know, we are anticipating a great need in 1988 to have an awareness about right-to-know, the workplace hazardous materials information system and so on. We have had collective meetings with representatives of all the delivery agencies that work with us all the time and have had Ministry of Labour representation at those sessions in order to develop training programs that will effectively do that. We have done this kind of thing in a number of ways. We have meetings. I guess in the last couple of years I must have attended a dozen meetings with the Ministry of Labour, talking about the best ways to get information out.

The problem you are addressing is really to the wrong group. We are the education group, not the enforcement group. If you want to get a picture of how the Ministry of Labour responds to the information it gets, then you would have to talk to it about that.

Mr. Chairman: What about Mr. Stephens and Mr. Lewycky, though? Are you two gentlemen not employed directly by the board, or are you with the education authority?

Mr. Stephens: No, we are both with the board.

Mr. Cooke: We are with the board too, of course.

Mr. Chairman: I understand, but you have separate jurisdictions.

Mr. Cooke: But ours is expanding.

Mr. Wiseman: I asked the Ministry of Mines the other day, I guess. I think they said the Workers' Compensation Board and so on, the Occupational Health and Safety Education Authority, would be coming before us and maybe it could answer some of those questions. I will ask the next group that comes, but I am a layman and I am trying to get some answers, and the assignment seems to be on the next group.

Mr. Ridout: Mr. Wiseman, let me try to position it for you this way. We are a very small unit that has responsibility for the working out of the

board's relationships with nine safety associations, the Ontario Workers' Health Centre and other programs. One of those safety associations is the Mines Accident Prevention Association of Ontario. If I have heard you correctly, I think what you are really interested in is, what is the working relationship between the Ministry of Labour and its enforcement branch and that delivery agency funded through the Workers' Compensation Board concerned with mines, education and training?

If I am allowed to say so, it would be an appropriate question to ask the MAPAO people tomorrow to detail for you the degree of their interaction with the Ministry of Labour in the common effort to try to meet the specific needs of reducing accidents and injuries in the mining industry.

Mr. McGuigan: Just to go back to the matter of contracting, I remember on an earlier committee in relation to the forest industry there was one particular aspect with very high rates, something like a third of the salaries going into premiums for workers' compensation. As I recall, it was these tractors or skidders where they take a load of logs and take them through the bush to the loading point or wherever it was. The rates were so high that some of the people who were in that contracting business sold their equipment, at least on paper, to some of the employees. Then the employee becomes a self-employed person and takes all of the risk himself or herself, getting it out of the realm of workers' compensation. One of the members from northern Ontario was telling us about this.

Mr. Chairman: The member for Rainy River.

Mr. McGuigan: Mr. Pierce from Rainy River.

Mr. Wildman: I think throughout the forest industry the companies have been trying to transfer the costs to the workers for a long time.

Mr. McGuigan: Yes. Is any of this a factor in contracting out this dangerous part of building the mine?

Mr. Cooke: Not in that sense.

Mr. Ridout: Not in that sense, no.

Mr. Cooke: But of course it is in the sense that the contractors are taking on the initial development of the mine. I would dare say that the risks that are there are perhaps higher and he had maybe fewer resources expended in the direction of safety and health than the ongoing mining corporations have. The certainty in most of those cases is dealing in very rough terrain. They are just right out there.

Mr. McGuigan: Should we then be looking at ways of perhaps preventing this sloughing off of their obligations?

Mr. Wildman: It may sound funny coming from me, but I am not sure that is a fair thing to say. A contractor in the bush is not the same as a contractor in the mining industry. I would agree with your view if you are talking about the forest industry. In that case the sawmill owner or the pulp and paper company is attempting to drop the cost and put it on the worker by turning him from an hourly rated wage worker into a so-called contractor who is selling the wood he cuts to the company.

That is not the same as in the mining industry, where a prospector or a

company has discovered an ore body. They want to have a mine and they hire somebody like MacIsaac, who is a contractor who specializes in building mines and constructing mines. He is only there during the sinking of the shaft or if they are going to expand the mine or something like that. When the mine goes into production, he leaves. So he is not operating and then selling the ore to the company. He is sinking a shaft and getting a mine ready to produce, and then the company comes in and does the production itself.

Mr. McGuigan: I remember seeing a documentary a few years ago about an English company that came to the United States and opened an asbestos mine. When they opened the mine or the plant to make their product, they knew about the terrible dangers and they set the American company up completely separately from the home company.

When all the claims came in, there was just a shell in the United States, and the company went back to England and laughed all the way to the bank, I guess. I am not accusing anybody, but I just sort of wonder if you do not have a situation where a mine can avoid a long-term accident rate that impinges on its total employment by splitting off the dangerous part and having that in a separate business.

Mr. Ridout: To get back to Mr. Wildman's comment around the contractor, the contractor is really a specialty firm. It is a very special task to be able to sink a shaft and lay out a mine development so that another company can come in and then mine the ore. It is really quite a different business altogether.

Mr. McGuigan: So there are legitimate business reasons for them?

Mr. Ridout: That is right.

Mr. McGuigan: It is inherently more risky?

Mr. Ridout: Yes.

Mr. Cooke: I would say that, in order to even the risk, you would have to have a tremendously higher resource put to health and safety. I think that is the fairest way of putting it. You would really have to concentrate on health and safety a tremendous amount to even the risk with the average mine.

Mr. McGuigan: For instance, the elevator that was used to actually build the shaft. It would probably not be to the same standards as an elevator you install in an operating mine. Would that probably be true?

Mr. Cooke: I guess that is certainly true because the man has brought a temporary elevator in while he moved in the heavy equipment to install the permanent elevator.

Mr. Ridout: But that is covered by the mining code.

Mr. Cooke: Yes, it is all covered by code, yes.

Mr. Wildman: Could I ask a supplementary? Maybe you cannot comment on this, but Mr. Cooke might. It is also true, is it not, that, as opposed to producing mines, many contractors are not organized? Is that a factor?

Mr. Cooke: Of course, you would not have the same pressure from the workforce to put the safety measures in because of that that you would have in

an organized mine. But the numbers of contractors that have been organized also have pretty high--

Mr. Chairman: Any other questions from members?

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Mr. Brown: I just have one. I am making an assumption, which I feel is probably a logical assumption, that the higher rates, or at least the risk of higher rates, make operations safer. Do we have any statistical evidence to show that the risk of a higher rate or a higher rate actually does make the operation safer?

Mr. Cooke: We do not have evidence of that yet. This is one of the things we are working at, but, of course, what the higher rate is for is to pay the costs.

Mr. Brown: I understand.

Mr. Cooke: It is an insurance process we are talking about here. It was hoped the NEER program would demonstrate what you are talking about. It has not been evaluated yet.

Mr. Chairman: Lorraine Luski had a question or two.

Ms. Luski: I just want to return to the form 7 for a minute. Has there ever been a suggestion that it be modified at all? I can understand that the prime purpose of that form is to expedite compensation claims, but has there been a suggestion made that you perhaps add a tick box that could be filled out, saying whether or not the miner was on a production bonus? Then cross-tabulations could be made between production bonus and injury, and the industry could at least get a handle on the relationship between production bonus and accidents, for example. Has this come up in the past?

Mr. Stephens: Maybe I can make a few comments here. To answer your question very straightforwardly, yes, there have been many, many suggestions that the form 7 be modified. In fact, it has been modified a fair number of times, the last time, I think, a year or two ago, not so much to cover off changes in the history or description of accidents but to put in much different earnings information when we went to the 90 per cent of net versus 75 per cent of gross. But even before that, in the 15 years I have been at the board, there have been at least four or five modifications or changes in the form 7.

We in statistics have pushed very hard a number of times. It was at our instigation eight or nine years ago that we got that cause-of-accident field put in there. We wanted a big field, and you have to remember who controls the form in the board. The claims adjudication group, which used to be a division, claims services division, and I think is now called client services division, is the power in the board or used to be the power in the board, and that was its form. Anything that slowed down or caused their adjudicators difficulty in adjudicating claims quickly, they put the kibosh on. So there was always a lot of pushing but not too much accepting, but they did make some changes.

I should make one point about the suggestion you made, which is a good suggestion, about maybe having something to do with a bonus or piecework kind of reference. You have to remember that the form the board has now is a general form for all industries. I am not so sure piecework is still very much

in evidence in many industries other than mining and maybe in textile. I do not know; I am not that knowledgeable.

But, generally speaking, I do not think piecework is not a very common form of remuneration any more. Consequently, it would be difficult to put in such a modification, where the form will be filled out in terms of accidents, just for maybe five per cent of the situations that occur. I think it would not be looked upon very favourably by, say, the senior claims people if we did such a thing.

Mr. Chairman: They have a lot of power in the board.

Mr. Stephens: Again, our view has been that the various safety associations which are very industry-specific should take a much stronger role in trying to determine far more detailed information about what is causing accidents in their particular industry and also to trap the kind of information they need in order to do a better job of monitoring things and improving things in their industry.

So to answer your question, yes, there have been some changes, but I am not so sure it will be feasible to make the kind of changes you want. Again, the claims people try to keep that claim form pretty streamlined. They recognize that there are competing interests now. People want information on safety education, but they tend to make sure that most of that form is devoted to information that their adjudicators need to adjudicate the claim effectively, correctly and fast, because we get all sorts of complaints. They ask, "Why is it taking four weeks to get this first payment out?" If we give them a two-part form, the employer comes back and says, "Gee, it took me three days to fill it out, let alone get it to you."

Ms. Luski: So what you are saying is that you like to keep your form as generic as possible--

Mr. Stephens: Yes.

Ms. Luski: --and any industry-specific information should be hived off to the respective safety association.

Mr. Stephens: That is my view. I will not speak for the other people here at the table.

Mr. Cooke: Of course, the problem in hiving it off to the safety association is that you then do not have 100 per cent statistics, because the safety association is a volunteer group without the power of legislation and so on. You are going to have statistics from those who would co-operate and not from those who would not. You will probably get some more information on that from mine safety tomorrow too, because they do collect information.

Mr. Chairman: Only the board can get all the information on compensable claims. Nobody else can, can they?

Mr. Ridout: It is because of their power to compel.

Mr. Chairman: Yes. And only the board can alter the form.

Mr. Stephens: If you just look at it as a one-form entity. Now, Paul Weiler wrestled with this to a large degree, and from the meetings we have had with him and submissions made to him, I think he finally came down to the

point where maybe there could be a separate part added to the form 7 that would be filled out only for serious accidents, and also that you could hold that back for better investigation purposes, fill it out and send it in later, but not delay the basic form that would go to the adjudicator. He had all sorts of twists that he thought would help to get the information that was needed by safety education and accident prevention people.

Mr. Chairman: Mr. Wiseman wants one short question.

Mr. Wiseman: I just wonder. Maybe you answered it. I had to go out for a couple of calls.

If another workers' compensation board within Canada or a recognized one in another country finds that a certain workplace has caused a certain illness and it recognizes that illness for payment, does workers' compensation accept that and start payment on it? How does that work?

Mr. Wildman: In other words, if the Quebec board recognized a disease, would this board automatically accept its views?

Mr. Wiseman: Yes. Or, say, the United States or something like that. Or do we go on our own on that? I just wondered how that worked.

Mr. Stephens: From what I know, I think it is not the case. I think the board, particularly in illness cases--which are probably the ones you are talking about--

Mr. Wiseman: Yes.

Mr. Stephens: --because they are not the straightforward ones, they are complicated--the Ontario board would have to determine its own criteria and guidelines for allowing it. They would not accept another jurisdiction's.

Mr. Wiseman: I just thought if some other board had done all the research and everything on a particular illness and saw fit to pay it, if we were planning to go through all the (inaudible) of doing ours--

Mr. Chairman: But no one jurisdiction is going to allow another one to set its criteria.

Mr. Cooke: We have an industrial diseases operation and an appeals process attached to the board. Those arguments are made by people making claims and appealing claims. The worker adviser's office is involved; the employer adviser's office is involved. There is a lot of process that goes into changing the policy, and then the board itself has to make a determination.

Mr. Wildman: Surely the board does share information with other boards and it is a two-way street.

Mr. Cooke: Yes.

Mr. McGuigan: I just wonder, for subsequent meetings, if we could ask our research people to pull out that section of the Weiler report for re-examination.

Mr. Chairman: Dealing with the form?

Mr. McGuigan: Yes.

Ms. Luski: Sure.

Mr. Chairman: That is a good idea.

Mr. Ridout, Mr. Cooke, Mr. Stephens, Mr. Lewycky, thank you very much for coming before the committee. We do appreciate it. I would not be surprised if we wrote to you or gave you a call at some point seeking more information, because we do feel a certain amount of desperation in getting the information that is appropriate to what we are trying to do. We do not have it at our ready disposal. We would appreciate that very much.

The committee is adjourned until tomorrow morning at 10 a.m. when we will meet and dialogue with the irrepressible Bob Brailey.

The committee adjourned at 4:40 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

WEDNESDAY, JANUARY 27, 1988

Morning Sitting



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Farnan, Michael (Cambridge NDP) for Mrs. Grier

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Mines Accident Prevention Association of Ontario:

Brailey, R. J., President

Coughlan, W. K., Executive Director

From the Mining Industry Fatalities Committee:

Brailey, R. J., Chairman

Coughlan, W. K., Secretary

Brehaut, C. H., President and Chief Operating Officer, Dome Mines Ltd.

Briggs, Rick, President, Sudbury Mine, Mill and Smelter Workers Union

Pakalnis, Vic, Director, Mining Health and Safety Branch, Ministry of Labour

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, January 27, 1988

The committee met at 10:16 a.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: The standing committee on resources development will come to order as we continue our look into mining accidents and fatalities. Before we get to our first presentation, we have distributed to members of the committee a proposed schedule of hearings. Members should have that in front of them now. I do not know whether there are objections from members, keeping in mind, of course, that you can never satisfy everyone on every week. That is just not possible with the schedule that members have.

You will notice that next week, the week of February 1, the committee will not sit. The week of February 8, the Legislature comes back for a one-week session. The following week, we decided not to sit in case the Legislature spilled over and sat two weeks instead of one. Knowing how this place operates around here, we decided we would not take the chance of scheduling travel and then finding the Legislature in session. The week of February 22 would be the week when we will go up north to visit some mines and hear some briefs, as well as visit some of the mine sites and smelters.

The week of February 29 is when all three caucuses have their between-session meetings or retreats, if you will. Virtually no committees, as I understand it, are going to be sitting that week, although we originally intended to do that. The week of March 7 will be another travel week. That will be largely up north, although we do want to see some southern Ontario mine sites as well. We will see what we can work out there. The following week is the school break. It is a long tradition that we do not sit, in order to maintain at least some semblance of happy home life for members. Then the week of March 21, we will sit again.

It is down here as "Hearings at Queen's Park" the week of March 21. That is assuming the travel schedule works out and we are able to do all we want to do in those previous two travel weeks. In my mind, I am not absolutely certain that can be done, but we will try, in which case the final week would be the week of March 21, the final week before we come back for the spring session.

Are there any questions on that at this point? If there are no serious problems with it, Todd will go ahead and start moving and shaking and making arrangements, because we really do have to plan ahead for both airline reservations and hotel accommodations, to make arrangements with the mines and the smelters to have tours and to invite presentations to the committee when we are in those communities as well. It is important that there be an agreement so that we can start the process.

Mr. Leone: Does the work of this committee--in other words, these hearings--have to be completed before the House comes back in session? Another question is, would the hearings be one week or more?

Mr. Chairman: To answer the first question first, we do not have to have anything completed by the time the Legislature comes back. There is no such instruction in the motion. As a matter of fact, I would rather take a careful look at the issue than insist that we get it done, because we do have to write some kind of report and make recommendations. That is going to take a little while. I would rather make sure we saw what we wanted to see and heard from people who wanted to speak. I think that should be a higher priority than absolutely finishing by the end of March.

Mr. Wiseman: I think there is an agreement to sit for only one week. I do not know whether all three parties would break that agreement. If we do not sit the two weeks is it too late part-way through that week of February 8 for Todd to set up travel plans? That would give us another week.

Mr. Chairman: I think it would be too late to make the arrangements.

Mr. McGuigan: We might do something the same in southern Ontario, maybe in Windsor for a day.

Mr. Chairman: I have no objection to that, but my caution is that the whips of the three parties sat down and worked out schedules in which members were not going to get whipsawed too badly with serving on two committees. As you know, a couple of the caucuses are not as big as one of the caucuses. Our members are spread rather thinly on committees, so it did pose a problem.

If the committee wishes, we could approach the whip about doing that. I think it is a good suggestion. I like the idea of being able to see the gypsum mine and a salt mine, for example. We could ask the whips if that would be a possibility, but it is a caution because I know that they had worked out a schedule.

Mr. Wiseman: That second week might be a time to take Jim's suggestion, because I doubt if they will break that agreement.

Mr. Chairman: Why not take that as a suggestion of the committee and we will try to do that today, if possible, find out if we can get permission to do that. It is a good suggestion. Is there anything further? If not, we will go ahead with the planning for the north, in particular, and we will start that right away. By the time the Legislature comes back on February 8, we should be able to have things dropping into place at that point, so we will know; earlier, if possible.

This morning we have with us the Mines Accident Prevention Association of Ontario, which has been mentioned in dispatches by most people who come before the committee. I think most of us know who they are and what they attempt to do. We have Bob Brailey, on your right, who is president of MAPAO and a big honcho at Falconbridge. I do not know what his exact title is any more. On Mr. Brailey's right, Bill Coughlan is executive director of MAPAO, which means he does the work.

Gentlemen, welcome to the committee, we are pleased that you are here. We know that there was not a great deal of notice given to you, for which we apologize. We are glad you are here this morning.

MINES ACCIDENT PREVENTION ASSOCIATION OF CANADA

Mr. Brailey: Thank you, Mr. Chairman. I am not sure whether "honcho" is a compliment or not, but you are quite right in that I am the figure head

of the association and Mr. Coughlan does the work. My name is Bob Brailey and I am the current president of the association. It is a two-year term. It is a volunteer position. I would like to introduce Bill Coughlan, who is our executive director. Bill has been with the association for a couple of years. He has prepared a fairly extensive brief which he will go through with you now.

Mr. Coughlin: Before we start off, I sat as a spectator in your session a week ago yesterday and felt that I probably should bring along some information on underground mining. This is the best text that we know for the novice to get a bite at the thing and try to get some reasonable understanding. There are 10 copies of that there for whoever wishes. Would you make sure the chairman gets one? He is probably the most knowledgeable of the group, if last Wednesday is any indication. Mrs. Marland seemed to be the fastest learner.

Mr. Chairman: You have rated us already.

Mr. Coughlin: Yes. Do you all have in front of you the document, the brief prepared by the Mines Accident Prevention Association, and so on? Is that the correct one you have there, the fatalities committee one?

Mr. Chairman: There are two briefs. This is the one we should have. The other one is from the mining industry fatalities committee, which we will hear from later, but this is the one we are dealing with now with the graph across the front.

Mr. Coughlin: It is the fat one of the two.

Mr. Chairman: With Falconbridge's net profit graph across the front.

Mr. Coughlin: Before I begin on the brief, would you make a correction on the cover sheet where, above the graph, it says "injury frequency 1977 to 1985," and change 1985 to 1987, please?

The Mines Accident Prevention Association of Ontario was created in 1930 out of a growing concern for the frequency and severity of accidents and illnesses in our industry. It has continuously and effectively served industry as a delivery agency for education in occupational health and workplace safety since that time. For the first 50 years of its existence, the association was organizationally and functionally linked to the Ontario Mining Association, but in 1981 it was reorganized as a body separate and distinct from the trade association. The rationale for the separation deserves some discussion.

By 1981, at the time of the Burkett commission and the publication of its report, Towards Safe Production, MAPAO had established itself as an effective force in the prevention of workplace accidents and industrial diseases. There was a significant downward trend in accidents and the incidence of the killing miners' disease silicosis had decreased to the point where new claims were rare and in most cases related to earlier exposure.

Burkett's report discussed MAPAO and concluded that the association was doing a credible job at the technical level and that its basic shortcoming was that it did not present itself as an independent force within the industry. The appropriate quotation is, "The association must be prepared to assess the issues before it from a safety perspective, must not be inhibited by what it perceives to be the prevailing thought within the industry and must, where appropriate, be prepared to challenge the industry."

It recommended the separation of MAPAO from the trade association in the following words: "That the Mines Accident Prevention Association of Ontario sever its ties with the Ontario Mining Association, retain the services of a full-time executive director, establish its own offices separate and apart from the Ontario Mining Association offices, make provision for its own support staff and services, and continue to be financed by levies against its member companies"; and "that the Mines Accident Prevention Association of Ontario establish labour-management advisory committees at both the provincial and regional levels and that it move to include representatives of labour and the public on its board of directors."

The board of directors was inclined to accept the recommendation to separate and arrangements proceeded to an orderly conclusion in 1981. The board recognized the risk of changing a system proved to be successful and developed objectives and strategies and provided for an organization that would continue the existing programs and allow development of new ones.

Burkett addressed the issue of funding in his recommendation. While the question of whether the association's funding is public or not has been raised, it is not and should not be an issue here. Clearly, the moneys are a defined, recognizable component of the member companies' Workers' Compensation Board assessment designated particularly for the provision of a safety association to provide education in health and safety matters. A portion of that assessment component is provided through the Workers' Compensation Board to the association as a grant, in accord with preset budgeting procedures, for its use in carrying out its mission.

The association's budget in 1988 is \$2.3 million. In rough numbers, the industry population served is 28,000 persons, so the cost per individual is in the order of \$75 to \$100 per person per year, or about four or five cents a working hour. The industry credits the association with being a major contributor to its success in the prevention of industrial diseases and workplace accidents. The question of whether the association should spend more or less, again, is not or should not be at issue here.

The association's brief history in its present form is a story of success. In terms of return on investment, it rates third among the nine safety associations and well within the top three in terms of reduced frequency of compensable accidents. These facts are based upon the results of an independent study done by a sister association.

MAPAO employs 30 persons of varying skills, from technical specialists to clerical and administrative persons. It delivers some 24 programs aimed at accident prevention and reduction of industrial disease. It provides a consulting service in the field of workplace environment, including ventilation, dust control, industrial hygiene and hazardous materials.

In recognition of the changing needs of the industry, major efforts are expended keeping material current. Every information session is accompanied by an evaluation component which is intended to assess effectiveness and is used to direct changes. A further measure of overall effectiveness is provided by a sophisticated computerized data-processing system. This system produces individual data summaries and trends, sorts accidents in a variety of categories and allows the association to focus its attention to areas where change is apparent. It is in the best sense a management information system.

It depends on a variety of sources for its input: member companies, WCB, Ministry of Labour, etc. The information networks give reasonably thorough reporting, at least within the limits of statistical certainty, so results are published with confidence. It is important to note that the results are accumulated from the combined efforts of individual companies, the association, the enforcement agency--in fact, all of the contributors. It is not possible to separate the results of individual programs or agency efforts.

This committee has expressed a concern for safety in the mining industry. Attached to this brief are some graphic representations of the industry's performance over time, but to understand these well, it is necessary to school the committee members a little on safety theory.

Figure 1 is a diagram developed as a result of an accident ratio study. The conclusion depicted results from analysis of 1.75 million accidents in 300 varied companies and develops a probability rate which indicates that for every 600 incidents, 30 will result in property damage, 10 in minor injuries and one in a major injury. Commonly this is referred to as the iceberg, or iceberg theory, although the iceberg theory is more correctly the reverse corollary.

I should explain in there that the iceberg thing is that what you see is really a very small part of the total, both in terms of the number of incidents and in terms of the total costs. The direct cost of accidents to the industry is not in any way a meaningful measure of the overall cost. We get our direct costs from WCB payments and from amounts that are paid out and that sort of thing, but the loss in human suffering, the loss in equipment down time, the loss in production and that type of thing: when it is added on there, some people claim a factor of 10. So if you are looking at an accident that costs in direct costs \$9,000, you can probably figure a \$90,000 overall cost as a general rule of thumb.

It is important to note that the numbers refer to reported incidents and accidents. Reporting in Ontario's mining industry is suspected of being less pervasive than it is in industry at large, and the categories which have any reliability are the minor injuries and major injuries, where the overall ratio for mining is found to be six to one. If you look back at your figure 1, you will see a 10-to-one ratio there.

It is apparent that the effective programs for reduction in accidents must target on the high-event-frequency items--that is, incidents--and part of that must involve a very serious campaign to encourage reporting. Those incidents which go unreported cannot be dealt with.

With reference to the mining industry, the minor-injury-to-major-injury ratio of six to one points to only two conclusions: When an accident occurs in mining, it has more probability of serious consequences than it would in industry in large, and major efforts are needed to ensure that all accidents are reported.

Mr. McGuigan: Just on a point of order, Mr. Chairman: Do we want to question during the body of the speech or later?

Mr. Chairman: That is what I am wondering, because I already have five questions noted here that I have, and I am wondering if maybe we should not let them go through the brief and then go back. Which do you prefer, Mr. Coughlan?

Mr. Coughlan: Your choice, Mr. Chairman. If somebody is losing the thread of the message that we are trying to convey and wants a point of clarity, then I certainly do not have any objection at all to that. If we are getting into technical questions, I would rather handle them after.

Mr. Chairman: I am worried about opening it up and getting--

Mr. McGuigan: It was not a clarity position. I can wait.

Mr. Chairman: OK. Let us try to get through it.

Mr. Coughlan: The first conclusion does not necessarily lead to a further conclusion that there are more risk-takers--the cultural argument--or more risk--the environmental argument--but simply that the potential energy which comes into play in an accident is greater. There are not necessarily more hazards, only greater hazards. This means, of course, that operators and workers must be more diligent in their attempts to avoid exposure to risk. MAPAO knows of no other way to demonstrate that diligence and its effect than to direct your attention to a graph of injury frequency for our industry, figure 2. Lost-time injuries charted over 15 years show a very distinct and consistent downward trend with no flattening apparent yet.

Medical aids, a less serious variety of accidents, if graphed over the three years for which data are available, would show a similar downward trend, resulting in a 10 per cent reduction in the period.

We would respectfully submit that these graphs attest to the effectiveness of our industry's efforts in accident prevention. The requests for our services as educators and consultants to our industry indicate that there is no feeling of complacency. Our industry managers understand the cost of complacency and understand that as the frequency reduces, extra effort is required to sustain the downward trend.

We need to be very frank with this committee and with all interested parties. We need to bring your attention to our industry's record with respect to fatalities. This picture, figure 3, is not at all satisfactory. The graph shows an encouraging downward trend over the last 37 years, but closer study shows three distinct aberrations; if one examines the last 15 years, there is a flat aspect to the graph indicating little, if any, progress in that period.

Figure 4 depicts exposure hours and is a useful adjunct to both figures 2 and 3. This information is very new and MAPAO has not had the opportunity to analyse the data in depth. Suffice it to say 1987 was a year of bad performance with respect to fatal accidents. The total for the year was 17, at least five above what might reasonably have been predicted from the slope of the curve presented. In fact, by June 1987, 10 miners had lost their lives in the Ontario industry.

On the initiative of MAPAO, a meeting of industry, government and labour convened and a tripartite committee was formed to examine the situation and to develop action plans to address the problem. This committee, chaired by Bob Brailey, and having representation from labour, industry and government, is represented this morning and will address this committee later. Before MAPAO accepts your questions, we would like to address the specifics of your terms of reference from MAPAO's perspective.

The first reference term addresses previous commissions' recommendations. We have reviewed Ham's, Burkett's and Stevenson's reports and find it very useful to revisit the wisdom presented.

Ham, of course, develops his concept of the internal responsibility system. There is a diversity of opinion as to the system, its operation and its effectiveness, even within MAPAO. However, without it our industry would be faltering under a crippling burden of legislation.

As in all systems, we look for perfect examples, but these do not exist. This system must be measured in degrees and, in so doing, we find it present across the industry and a significant factor in the reduction of workplace accidents and industrial disease. What appears to be lacking is a common understanding of it, and MAPAO strives to bring about the development of an introduction, training and implementation package which it can deliver to member companies.

The Ministry of Labour has been charged with a significant audit responsibility and we stand prepared to assist in the development of the audit protocol. MAPAO believes that further standardization of the internal responsibility system, at least within our industry, is desirable for improved accident prevention.

Ham did not specifically address MAPAO in any recommendation other than his recommendation 20, "That the system of measurement and reporting with respect to dust exposure being conducted by the Mines Accident Prevention Association continue in operation and be subject to independent monitoring as recommended."

To the layperson, this pales in significance in comparison to the internal responsibility system, but to mine operators and those involved with dust-related industrial disease, Ham's accompanying recommendation to change from konimetry to gravimetric sampling, as is now legislated, has imposed a much greater sampling and analysis burden of effort. The correlation of gravimetric and konimeter results is not good and effectively the industry has taken a step which, we submit, is regressive. MAPAO has certainly followed recommendation 20. It is now required that the mining operators decide whether to continue konimetry on a voluntary basis.

Clearly, the major contribution of the Ham report is his development of the concept of internal responsibility.

Several recommendations in Burkett's Towards Safe Production are directed towards MAPAO. The first deals with the provision of an independent audit of safety and safe work conditions in mines and mining plants. MAPAO is very active in safety auditing, conducts some 30 audits annually, and is recognized to be a fair, impartial and professional audit source. Burkett recommended the separation of MAPAO from the Ontario Medical Association and this was dealt with earlier in this presentation.

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A recommendation dealing with the provision of ground control education through the community college system has been implemented and is part of our regular, ongoing activity. Lighting has been addressed. MAPAO has provided a text for the use of industry, which covers lighting and its applications. This volume is a thorough and complete discourse on the state of the art in workplace illumination. A seminar on mine lighting was co-sponsored with the Ministry of Labour, Laurentian University and Canmet. MAPAO is currently planning a roadshow to bring lighting technology, particularly with respect to cap lamps, to all mining operations in the province.

A recommendation in Burkett's report asks that MAPAO obtain the concurrence of three major mining operations and that it commission a study to determine the extent of the relationship between alcohol and drug abuse and accidents. We would hope MAPAO could be forgiven for its seeming lack of progress on this recommendation. We do not believe we are the appropriate agency to commission such a survey. Such a survey would be impossible without the concurrence of not only the management but of all parties involved, and the issue of confidentiality certainly does not seem to have occurred to Mr. Burkett.

Since the publication of the report, MAPAO, in consultation with industry, has designed a standard accident reporting form for use across the industry. It has set up a broad accident database and has the capability of computer analysis. Appendix A contains examples of its product and also gives you a sampling of the association's activities. Like Ham, Stevenson did not address MAPAO specifically in his recommendations, but for your information you will find in appendix B a copy of MAPAO's brief to the meeting held last year in Sudbury to define the status of MAPAO's active programs with respect to the recommendations contained in the report.

The second term of reference, to consider and report on the tripartite consultative mechanisms to identify hazards and put in place mechanisms to reduce or eliminate the risk of death and injury in the workplace, suffice it to say MAPAO has offered participation at the directors' level to labour representatives. The fatalities committee, which emerged from a MAPAO initiative, has objectives compatible with your terms of reference and has become a prime example of tripartitism. It is also interesting to note that more and more joint health and safety representatives from labour ranks, as well as others from labour unaffiliated with the committee structure, are showing up in our training sessions.

Your third term, to consider and report on the underlying causes of mining accidents and to report on the major contributing factors, is best addressed by asking you to again review appendix A. Our database, developed from information from accident report forms, is used to provide input and the section of the appendix titled "Statistics for Traumatic Injuries, Analysis for all Firms," gives you in summary the major causes of mining accidents and a suite of contributing causes. We also have a four-year summary of that. There is a one-year summary in your appendix A. We have a four-year summary here that we could hand out for copying if you want to look at the history of the thing.

The fourth term of reference would seem to allude to some future recommendations which are expected to flow from your deliberations. MAPAO is pleased to offer itself as a sounding board and resource to you in the formulation of your recommendations. Be assured that we will diligently study and respond straightforwardly to your recommendations. We will adopt those which we can responsibly see as setting a framework for positive contributions to improved health and safety in our industry.

We will now answer your questions.

Mr. Chairman: Thank you, Mr. Coughlan. I wonder if it would be useful, before we get into questions, to take a look at the graphs you have put in here to see if members have any questions on the graphs, so that we understand those. The first one, figure 2 is fairly straightforward, I think. It just shows the frequency for 200,000 employee hours over the last 15 years.

Are there any problems with figure 3, fatality frequency? I guess they are pretty straightforward.

Mr. Coughlan: Maybe I can speak to the fatalities graph. The members should note that the frequency divisor on this one is 100 million man-hours as opposed to the 200,000. To try to get some relationship that is meaningful and develop a frequency thing, we need to expand the number of hours of exposure. The 100 million man-hours represents 1,000 working lifetimes, so it is the number of hours that an accumulated 1,000 people would work in a 50-year working lifetime. If you had a plant employing 1,000 people operating for 50 years, this is the type of thing we would see. Hopefully, that will give you some clarification.

We have used a three-year running total on this thing, which is an averaging of three years plotted against the year that is plotted, just to do about as gentle a smoothing of the thing as we can so you do not have furious great spikes on the curve. We tried five years. We tried doing the single-year thing. This one really makes the most understandable, most meaningful curve.

Mr. Chairman: Figure 4 mainly indicates that there are fewer workers in the mines now than there were 25 years ago.

Mr. Coughlan: Yes.

Mrs. Marland: Can we go back? I just listened to the explanation. Is there a graph that deals directly with the number of people who are working in the high-risk area, other than administration? I know this is employee hours and you explained the 1,000 working lifetimes over 50 years, but not many miners would be working for 50 years. I am trying to interpret the number of workers who would have been involved if you had a graph like that.

Mr. Coughlan: I do not know the answer to that. To get the actual population at risk, even at any given point in time, is extremely difficult. It is interesting and we would certainly like to be able to graph stope miners, drift miners and shaft miners and all that sort of thing and look at these things in segments, but to gather the data is just a monumental task.

Mrs. Marland: It is too much. The only way you can do it is just gather the operation time, not the bodies.

Mr. Brailey: Each company probably has a somewhat different profile, but one of the things you will probably find when you go on your trip is that you will be able to get a much better feel for the relationship of the number of miners to the number of total workers and not to the total numbers at any one operation. That will give you a better idea. I could use the figure of 25 per cent at Falconbridge, for instance, that are underground miners. But it will change at Inco; it will be different at Kidd Creek; it will be different at Elliot Lake. You will get a feel for the numbers of people who are in the underground operation.

Mrs. Marland: I was trying to look at the number of people in that job in the province who are at risk. This is the number of employee hours.

Mr. Brailey: There are some 27,000 people employed in the mining industry in Ontario, if that is what you are looking for.

Mrs. Marland: I know one of the presentations we had last week addressed the number of injured workers in different types of employment--I

think pulp and paper and two or three different types of mining. I think there are about seven or eight on that graph. It was broken down. I think it was in numbers or percentages. From your association, you do not have a graph in any case that deals with numbers of people. You only have graphs that deal with employment hours. Is that right?

Mr. Brailey: Yes. Those figures would show the totals.

Mr. Chairman: I have a couple of questions, Mr. Coughlan. I wonder if you would expand on the independence of MAPAO from the Ontario Mining Association. You said you completed your severance from OMA in 1981.

Mr. Coughlan: Over the period 1981-82. The decision was taken in 1981.

Mr. Chairman: Who are the public people on your board?

Mr. Brailey: We do not have any public on the board. We did have labour participation. We were successful in getting some labour participation on the board in 1983-84. We fell apart over an issue a couple of years ago. We have made several attempts to get labour participation again. We have been unsuccessful to date, although we do have labour participation in some of our subcommittees.

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Mr. Chairman: Do you have anybody from the public at large, rather than from the mining industry, who sits on the board of MAPAO?

Mr. Brailey: No, we have not.

Mr. Chairman: How are you separate from the Ontario Mining Association then? Basically, the OMA represents the industry. If MAPAO has only industry people on its board, there must be an enormous amount of overlapping.

Mr. Brailey: The same people do not sit on both boards. It is a separate operation. It receives its funding from the Occupational Health and Safety Education Authority of the Workers' Compensation Board. Obviously, there are industry connections.

Mr. Chairman: Totally. Why would there not be any public people on your board, even if the trade union movement said, "No, we disagree with you people on too many issues; we are not going to sit on your board"? I can understand that, but why would you not then seek people from the public at large to sit on your board? Is there any reason?

Mr. Brailey: We considered the most important challenge for us was to get labour participation and we are still pursuing that. We did succeed temporarily. We have failed and we are still trying to correct that situation. We have not picked up the point of public participation.

Mr. Chairman: Second, I did not understand, on page 3 of your brief, the paragraph that starts out, "The association's budget is \$2.3 million." You say in the last sentence, "The question as to whether the association should spend more or less...is not or should not be at issue here." Why not? I do not understand that.

Mr. Coughlan: As I understand the terms of your mandate, it is to deal with accidents in the mining industry, not to delve into the financing or the spending of the association.

Mr. Chairman: I am confused now. I thought we were talking about the budget of MAPAO.

Mr. Coughlan: That is correct.

Mr. Chairman: And the budget of MAPAO is \$2.3 million.

Mr. Coughlan: Yes.

Mr. Chairman: Why is what your budget is and how much you spend in your efforts to reduce injuries and fatalities not a pertinent issue? I do not understand it. What if people thought you were not spending enough? Is that not an issue?

Mr. Coughlan: From our point of view, it is not. But certainly, if you wish to delve into that, then we will concede.

Mr. Chairman: I am more interested in your position that it is not an issue. We do not know.

Mr. Brailey: I think the point Bill is trying to make here is that we have sat in this very room before talking to a committee about the cost of running MAPAO. As far as the specific problem we are looking at here, which is the increase in fatalities, we do not think the money that MAPAO costs is an issue.

Mr. Chairman: OK. The other question I have was your return on investment, the next paragraph. You say for return on investment, "it rates third among the nine safety associations." How do you measure return on investment?

Mr. Brailey: There has been a study initiated by the Construction Safety Association of Ontario, the results of which I do not believe have been published at this point. There is an attempt to put a return on investment on the amount of money that is put into accident prevention. It compares those industries covered by associations and those not covered. Certainly, it shows that there is a return on investment for spending money on accident prevention. This association did a ranking and we came in third best in that group of nine or 10.

Mr. Chairman: Basically it would be--it would be hard to quantify it precisely, I would think--how successful you are.

Mr. Brailey: To what extent they improve the situation, make it better. I would expect that within the next 12 months that report would be published by the WCB.

Mr. Chairman: How do you effect, yourselves, that \$2.3 million budget? Do you make a request to the WCB?

Mr. Coughlan: Yes.

Mr. Brailey: We file a budget every year with the Occupational Health and Safety Education Authority of the WCB, which is approved by the board of directors and then by the safety education authority.

Mr. McGuigan: Just to clarify on the return on investment, I think what you are trying to show there is that, for instance, where the return to the investors in a mining company would be 12 per cent, the return moneys spent on safety would equal or exceed the 12 per cent. Is that what you are trying to show?

Mr. Coughlan: Let me clarify that one for you, if I can. What this association has done is take the segment of industry that is represented by safety associations, of which there are nine, and the segment that is not, take a look at direct cost of accidents across those two segments, and then take the association group and break that down into the nine separate groupings of construction and so on.

Once having done the comparison, the indication is that the total direct cost of accidents in the segments of industry that are represented by associations is, first of all, much lower than it is in those that do not have safety associations, which argues strongly that safety associations are a good tool to use in regard to both frequency and severity of accidents. Then they racked up the nine associations, one against the other, to find out which was the front runner in that thing, and we were the third in there.

It appears in the preliminary thing that for every dollar spent on the safety association, there is something like a \$4.75 return to the public at large in reduced accident costs. We have studied the report and we are certainly happy with it in its present form because it makes us look very, very good. We had to verify some of the numbers because statistics and numbers come in from a whole variety of sources. It may well be that when all is said and done, \$4.75 against one dollar may be better or may be worse. We do not know that.

It is a very preliminary first brushover that says, number one, the association system can be justified on a cost basis and, number two, MAPAO is doing an extremely good job by comparison with some of our organizations.

Mr. Chairman: May I ask you a question on the cost per person? You say that the cost per individual is \$75 to \$100. We could round that off. Say it was \$100. Is that everybody in the mining industry?

Mr. Coughlan: That is that 28,000 people.

Mr. Chairman: Does that include salaried people?

Mr. Brailey: That is the whole works.

Mr. Chairman: The whole works.

Mr. Brailey: Everybody.

Mr. Chairman: OK. I do not know whether this is something you want to discuss here, Mr. Brailey, but one time you gave us a figure in Sudbury--this was not at a meeting of the committee--about what your compensation costs were per employee. It blew my socks off.

Mr. Brailey: It was \$3,000 a year plus.

Mr. Chairman: So \$3,000 a year per employee is the cost of your WCB assessment.

Mr. Brailey: Per employee, yes, that is right. Of that, \$75 to \$100 is for the operation of the safety association.

Mr. Chairman: I think that is a scary figure.

Mr. McGuigan: You would have to look at the average salary, though. This would be less than 10 per cent of--

Mr. Brailey: The way that operates is we are charged a certain rate per \$100 of payroll up to a certain ceiling. The fact is that the ceiling is now set at \$35,100, and we are just about at that ceiling with most of our employees.

Mr. McGuigan: Somewhere between eight and nine per cent.

Mr. Brailey: It is more like 10 per cent. We are getting close to 10 per cent for our segment. There are different segments: there is nickel, there is gold, there is mixed.

Mr. Chairman: It is about 10 per cent of your payroll.

Mr. Brailey: Yes.

Mr. Chairman: What is the board's assessment on your kind of mining operation? Is it so much per payroll?

Mr. Brailey: Yes.

Mr. Chairman: Is it 10 per cent?

Mr. Brailey: Currently this year, for the nickel group, it is \$9.85 per \$100 of payroll.

Mr. Chairman: Just to put that in comparison for members, I think that if you are a diamond contractor like MacIsaac or Dravo, it is around \$25 or \$30.

Mr. Brailey: About \$27 or \$28.

Mr. Chairman: That is \$27 per \$100, so it is almost three times as much for the people who go out and sink the initial shafts.

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Mrs. Marland: Is that \$3,000 per employee, as in the industrial population of 28,000, or is it \$3,000 per miner?

Mr. Brailey: No; it is for the nickel group, but it is \$3,000 for every employee we have at Falconbridge and every employee who is there at Inco.

Mr. Chairman: So it includes Mr. Brailey--

Mr. Brailey: Yes.

Mr. Chairman: --who is in a very low-risk job.

Mr. Brailey: Well, I am not so sure, sitting in front of this committee.

Mr. Wiseman: I just wondered. The Workers' Compensation Board people were here yesterday. They mentioned that they were funding you, and you

mentioned in here that they give you a grant. Of the \$2.3 million that you have to operate, what portion would come from the WCB?

Mr. Brailey: The whole amount.

Mr. Wiseman: The whole amount.

Mr. Brailey: We are totally funded by the WCB.

Mr. Wiseman: I took it from this that a portion of it--

Mr. Brailey: No, total funding. In fact, the paycheques come from the compensation board to North Bay.

Mr. Coughlan: Although we have a paper there that clearly indicates we are not employees of the board.

Mr. Brailey: No.

Mr. Wiseman: At the top of page 3 there it says, "A portion of that assessment component is provided through the Workers' Compensation Board to the association as a grant."

Mr. Brailey: A portion of the assessment on the business.

Mr. Coughlan: Let me explain that. Identified in the assessment is about 4.8 per cent that comes in the board's system under the heading of safety associations. That comes to about \$3.7 million annually that over in the board is under the heading safety associations. Of that \$3.7 million, we get \$2.3 million, the Ministry of Labour gets some for mine rescue and some other funding. The thing that says "safety associations" gets dumped out into about four or five different outfits, of which we are one, at \$2.3 million.

Mr. Wiseman: I thought perhaps management picked up part of it and--

Mr. Coughlan: No. Well, management picks it all up, if you would like.

Mr. Wiseman: Oh, yes, through their assessments and that. But I thought there was direct sharing in there, even more--

Mr. Brailey: Industry gives all the money to the WCB, and the WCB hands it out to various things. MAPAO is one small component of the total WCB expenditure.

Mr. Chairman: All right. I know we are rushing a bit here because we have another group to hear from and I want to open it up to more members, but there are some questions that are just burning and have to get asked.

You say that there are fewer accident incidents reported in the mining industry than in other industries. I think that is how I read it.

Mr. Coughlan: Yes. That is a subjective judgement. Being close to the mining industry and being familiar with it over a long time, we probably have a feeling that there are things that happen that do not necessarily get reported, but it is a totally subjective thing. My experience has been in the mining industry since 1949. I know the industry over that period of time, and from my gut feel, there are some things that do not get reported.

Mr. McGuigan: Just to expand on that, why would they not be reported?

Mr. Brailey: Could I give an example? We have had four truck incidents on our company road. Now, everybody knows the exact details of every incident because they are there for all to see. If things go wrong--an incident in a stope that is somewhat remote from the operation, in a remote location--there may not be the incentive to report an incident that could have caused an injury, a near miss or near hit. We have to try to encourage our employees to report those incidents so we can learn from them.

Mr. McGuigan: You are saying there is no injury.

Mr. Brailey: That is right. In an incident where there is no injury, there is no need to report it because nobody got hurt. I am saying that in those four truck incidents, nobody was hurt, but we know every detail of what happened because it was there for all to see. A mile underground, half a mile out from the shaft, if somebody has a near miss, he might feel embarrassed and will not bother to mention it.

Mr. Chairman: You mention--there is no number on the page--about three quarters of the way through that Ham recommended that you switch from one way of measuring dust to another way and that you think that, even though the industry went along with his recommendation, it was a mistake. Am I reading that correctly?

Mr. Coughlan: Yes.

Mr. Chairman: Is that generally conceded to be the case?

Mr. Wildman: Could you explain the difference? I do not quite get the difference.

Mr. Coughlan: The konimetry system is much more specific to the individual, whereas the gravimetric system is specific to the work area. Gravimetric is the one that has been accepted. In the konimetry system, the sampling is very easy. You can use a personal dosimeter and that type of thing. The problem comes in counting the results. We have done that for the industry. With the gravimetric, you wind up with the question of whether you are using the right filter, whether you are catching the right size and a whole bunch of things. Unfortunately, the correlation between gravimetric and konimetry is unestablished. It is very difficult to decide, first of all, whether there is a correlation and then whether it is a reasonable one.

We wind up with a history of 25 or 30 years of konimetry information which, over that 25 or 30 years, served the industry very, very well. Now we go on to another system that is not correlatable to that. From our perspective, we feel that we have thrown the baby out with the bath water. We hope that the majority of organizations and companies will continue to do the konimetry, at least on a limited scale, so we can maintain the records on that until such time as, hopefully, there is a correlation established.

Mr. Chairman: Is it legislated that you have to do it that way?

Mr. Coughlan: Yes, but it is voluntary whether you continue konimetry. This, of course, gets us into that whole thing of the internal responsibility system. We are encouraging people to continue with konimetry.

Mrs. Marland: I would like to get back to a point that our chairman

was asking so that I can clearly understand. The fact is that, at the moment, the board is purely industry people; yet, when you separated from the Ontario Mining Association, the resolution did say that it was to be set up to include representatives of the public. That is six years ago.

Mr. Brailey: No, that was not a resolution of the board. That was a recommendation from Mr. Burkett.

Mrs. Marland: Oh, I see.

Mr. Brailey: I merely pointed out that we have assumed that, in the priority of things, we should encourage labour participation on the board. We are still in the process of doing that and we have not picked up and actively pursued the involvement of the public on the board.

Mrs. Marland: What is the problem with getting labour on? Have they declined?

Mr. Brailey: They were on the board, but we got into a dispute and they withdrew their representatives from the board. We have had several discussions with labour since then but, to date, we have been unsuccessful in getting them back on the board.

Mrs. Marland: What kind of dispute was it?

Mr. Brailey: There was a dispute involving a position that the board had taken and there was a feeling by the labour representatives that they were not being properly consulted.

Mr. Chairman: You are being pretty vague.

Mr. Coughlan: If I may continue a little bit on this thing just for the record, last May we created five additional positions on our board of directors to accommodate labour.

Mrs. Marland: What is the total number?

Mr. Coughlan: The total number before that was 13. We have taken it from 13 to 18 and reserved those five positions for labour. We have made that offer. We put it out there last May. We have not had response from labour people as to their willingness or eagerness to appoint people to those seats. But they sit there waiting to come in.

Mr. Miller: What is the makeup of the remainder of the board?

Mr. Brailey: It is all company representatives. They are mainly safety professionals and company general managers.

Mrs. Marland: So, for eight months, the labour contingent has declined to accept the invitation.

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Mr. Brailey: I did point out that they have continued to express an interest and to be involved in some of the subcommittee activity. Just today we discussed the involvement of a Mine, Mill and Smelter Workers Union representative on a ground control committee.

Mrs. Marland: Mr. Coughlan is shaking his head.

Mr. Coughlan: Mrs. Marland is incorrect. They have not declined; we have no indication of their declining. There has been no answer. We have followed up three or four times and we continue to get encouraging words, "Yes, we will deal with that" and so on. But they have not declined.

Mrs. Marland: Who do you deal with?

Mr. Coughlan: We deal with the United Steelworkers and we deal with Mine, Mill. That looks after over 80 per cent of the people in the mining industry.

Mrs. Marland: Would there be letters on record that have been sent to their executive inviting them to sit on the board?

Mr. Coughlan: The proposal creating the five additional seats and inviting them to occupy those seats is certainly on record.

Mrs. Marland: OK. I am trying to go quickly. Do these labour-management advisory committees that are referred to exist? I guess they came from the Burkett recommendations.

Mr. Brailey: We do not have labour-management advisory committees as such, we have subcommittees and standing committees of the board and labour is involved in some of these committees.

Mrs. Marland: You say the results of the work of the association have been evaluated by an independent study done by a sister association, which I found interesting.

Mr. Brailey: That was the Construction Safety Association of Ontario.

Mrs. Marland: I was going to ask you which one it was.

Mr. Brailey: It was the initiative of one person who decided that he could finally try to put a return on investment on the activities of safety associations. I believe they were involved with the Occupational Health and Safety Education Authority in that. They worked together on it.

Mrs. Marland: So that is why it is viewed as an independent study.

Mr. Brailey: The safety education authority will probably end up by publishing the results of that report. That is our information at this point.

Mr. Wildman: I am interested in dealing with the question of the board's makeup. I do not want to prolong that discussion, but I understand your interest in having labour involved. I also think I have some understanding of why labour has so far not responded. I am interested in why you have not sought representation, say, from academia on your board, such as people working in research on ground control and people like that.

Mr. Brailey: As I say, we have gone after what we consider to be the more important involvement, that of labour. We have not actively pursued the involvement of the public. I cannot make it any plainer than that we have just not gone after them. It has not been a high priority as far as the board of directors is concerned.

Mr. Wildman: I would like to deal now with the record over the last number of years. You indicated that the work of the association had been

pretty successful in lowering the incidence of less serious accidents, and that has been shown throughout the testimony to our committee, but that the record with regard to fatalities and more serious accidents was not as good, and that has also been shown by other testimony before the committee. While there has been a decline over the 15-year period, in the last two years it has been somewhat flat in terms of the number of fatalities and serious accidents.

Does the association have any ideas as to why we have been able to limit the less serious accidents or the time loss, but not when an accident occurs that seems to be a more serious one and with longer time loss, or even a fatality?

Mr. Brailey: That is the reason we set up the tripartite fatalities committee. I would like to explain the logic of the formation of that when I introduce the work of that committee.

The fact of the matter is that we do not know. If we knew, we would already be taking action. There is no simple, pat answer to this. As far as we are concerned, we have taken a look at everything we can and we are still baffled by the problem. That is why we got this committee together, to try to establish if there is something we have not yet seen. The fact of the matter is that we have been unsuccessful. We do not know what the problem is.

Mr. Wildman: Yesterday, the officials of the Workers' Compensation Board were before us and also the Occupational Health and Safety Education Authority of the board. They indicated that one of the factors might be the age of the workforce in longer time lost, in that when a serious accident occurs--for instance, they used the example of a concussion. They had an average of, say, 70 days that it might take a person to recover from a concussion. Now it is taking between 120 and 140 days. Perhaps that might be related to an older workforce. Do you think that is a legitimate suggestion in longer time lost?

Mr. Brailey: We have to be very careful that we do not propose a solution and then try to prove it right. The fact of the matter is that we have not seen that. We have looked at a number of things. We have a study under way as a result of the activities of the tripartite fatalities committee, which is trying to address that, to try to find if there is some underlying pattern. We have been unable to establish that at this point. Certainly, there does not appear to be a pattern of older or younger workers who are falling into this fatalities problem.

Mr. Wildman: So you have not seen that?

Mr. Brailey: No, not yet.

Mr. McGuigan: Other people have mentioned this, but going back to Burkett's report and his recommendation that MAPAO separate because of a perception problem, really, more than anything else--as I take it, it was a matter of perception--it seems to me you have not achieved the goals of that. You do not have the participation of labour. Essentially, there is no dividing line between you and the mine owners. It is pretty much the same people, in perception. It is a weak case, as far as you are concerned. Can you tell us, to get down to specifics, is it a political problem that labour people will not come on, that the individual does not want to be seen as lined up with you?

Mr. Brailey: Let me start by saying that we are extremely proud of the performance of the mining industry as far as accident prevention is

concerned. We have a specific problem with fatalities. All other measures are good and we stack up very well in comparison to the other trade groups in the province.

I would like to keep drawing your attention back to the fact that there is one specific problem we are extremely concerned with at this time. It is not something that has just occurred yesterday. We have been concerned over the last few years with this problem. Frankly, the involvement and the makeup of the board is somewhat irrelevant to that specific issue. That is my opinion and the opinion of the board.

Mr. McGuigan: I am not questioning that you have done a good job in accident prevention. Going back to Burkett's recommendation, you followed his recommendation to give independence or the appearance of independence, yet in my view, you have failed to achieve that appearance of independence because you do not have those labour people.

Mr. Brailey: The offer is there. We have ongoing discussions. We have not given up our attempt to do this. In fact, when we formed the committee to look at this specific problem, we did form a tripartite committee.

Mr. McGuigan: Are you reluctant to say why labour has not come on?

Mr. Brailey: We have taken the position that we want labour involvement. Really, you should ask labour.

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Mr. McGuigan: OK, that is a fair comment, but since they have not come, it seems to me in my view that the second weakness is you have not turned elsewhere. There must be respected people in the mining communities who are not associated with the mines who could bring some of that objectivity Burkett was trying to get at.

Mr. Brailey: I take your point.

Mr. McGuigan: Going back to what I spoke about earlier--I just want to get it straight in my mind--talking about the return on investment, you are talking about the return on investment in the association rather than the return on investment the mine owner has in facilities in the mine.

Mr. Brailey: Yes. I was comparing dollars with dollars and it turns out to be--

Mr. McGuigan: There is an indication, though, from the fact that you said an accident that might cost \$9,000 in direct costs actually would cost \$90,000. It would seem to me that would counter the position that traditionally people try to make out, "The company is trying to save money by not putting in the proper engineering, proper safety devices or whatever; it is cutting corners," if the cost is that great.

Mr. Brailey: We can show, I personally argue and will continue to argue, that safety and accident prevention is a damned good investment. There is no question that it is not only stopping people from getting hurt and getting killed, but it is also a damned good investment.

Mr. McGuigan: That is the point I was trying to come out of this with.

Mr. Brailey: Oh, yes. We are fully cognizant of that and we have the full support of the industry on that.

Mr. McGuigan: An operator who was taking shortcuts would be pretty shortsighted in his approach.

Mr. Brailey: Certainly; no question.

Mr. Leone: The more we are in this committee, the more educated and I think also the more confused we become. I did not know, for example, that we also have to consider this association as an appendix of government. I want to understand this. In fact, it is completely financed or supported by the Workers' Compensation Board. Is this true?

Mr. Brailey: Yes.

Mr. Leone: First, the question I would like to ask directly on this is, what is your relationship and how do you work with another branch of government like the mining health and safety branch? For example, in the report presented by the Ministry of Labour, I do not see your organization in the consultative mechanism. how do you work with--somebody asked already--academia, research departments at universities and probably also the mining industry? I understand that the Ontario Mining Association also must have some department for the prevention of accidents in mines. How do you work with these other organizations?

Second, I want to know the education and information in your organization, what you do to inform and educate employees in the mines. I see on page 1 of the summary some statistics which show your activity more in surveys and the investigative process, but not much in education like employee safety training, back-care program and basic ground controls.

Third, if you have such programs, do you have provision--I should also have asked the previous people from the ministry--for education and information so it is done in other languages besides French and English? I am referring, for example in my case, to immigrants, to many Italians in the north. Many there still have language and communication problems. I want to know if there are programs in languages other than English and French.

Mr. Brailey: Did you get all those questions down?

Mr. Coughlan: Yes.

Mr. Leone: Relations with governments, education, the percentage in your program and--

Mr. Coughlan: Maybe I can reverse field on you and do a three, two, one against your one, two, three.

Third, the question of other languages: We have 30 employees and we certainly do not address things in languages other than English and very marginally in French.

Second, as to the educational component of our system, we have 24 various programs that are available and delivered continually, seminars,

courses, workshops, addressed to the people in the mining industry. Our organization is about 10 per cent on the occupational, 10 per cent or 15 per cent on the workplace environment side of the thing, about 15 per cent on the administrative and the remainder of it is education delivery to the industry.

In other words, a very major component of everything is education and training. We do that either in our facilities in North Bay or we go out into the mining communities or the individual mines and deliver courses, somewhat on an as-requested thing, but we also persuade people, when we see a problem, that they should be requesting our services. A very strong component is education.

Internally, we have an extensive training and professional upgrading program for our people that can in any given year consume up to 20 per cent of their working time, strictly on professional upgrading, teaching them how to do their jobs better, right down from things like Dale Carnegie courses, addressing their ability to speak with groups, to training the trainers in which we are attempting to pass skills out and network our educational things out into the workplace. As 30 people, there is no way we can address 28,000 spread across 300 or 400 different companies, so we look at training our people to be able to develop networks to get out into that type of thing.

Does that cover the educational component?

Mr. Leone: OK, but still on page 1 of the summary of staff activities--

Mr. Coughlan: Do I have that?

Mr. Leone: Yes.

Employee safety training, back care program and basic ground control. That number, 51 participants, what is it? That is the number of employees who participated in this kind of training program?

Mr. Brailey: The number of people.

Mr. Leone: How come it is so low?

Mr. Brailey: Because I have used the term "train the trainers." With 30 people and an industry of 28,000, what we do more than anything is to train the company people who then train the employees. We train the trainers.

Mr. Leone: In other words, I was thinking that this would be sessions with workers.

Mr. Coughlan: It is our activities report. It does not include the activities of the network.

Mr. Leone: The workplace. And the back-care program is the same? That is your people? That is the education of your own staff?

Mr. Brailey: No. Our problem is we have a bunch of people who give courses in-house, but we will go to the Mines Accident Prevention Association of Ontario and MAPAO will give those trainers courses, who then come back and train our employees because the larger companies have in-house trainers. But

MAPAO in some instances may train the employees for smaller companies that do not have trainers.

Mr. Leone: In other words, those education programs finally are given to workers at various levels.

Mr. Coughlan: Yes. More and more, I might add.

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Going back to your number one, how we work with the Ministry of Labour, academia and the mining industry, we have an ongoing dialogue with the Ministry of Labour. We co-operate with them in the exchange of statistical information. We depend upon them to confirm for us our observations on the industry and they confirm ours, so there is a continuing ongoing dialogue, a very healthy exchange of ideas throughout that thing.

We collaborate with the Ministry of Labour in the presentation of seminars and educational information for the public at large and for the industry, the last one having been a seminar in Sudbury on underground communications and lighting which attracted almost 170 participants from across the province and Canada and some from the United States. We cosponsored that with the Ministry of Labour. It is a very close, harmonious relationship in that particular area.

With respect to academia, we have two areas, first, the courses, seminars and workshops that we put on in collaboration with organizations like the Haileybury School of Mines, Cambrian College, Laurentian University and others, where we carry on our activities in their facilities or they carry on theirs in our facilities. We do have that relationship with academia.

The other relationship we have with academia is that we have a very modest budget for research. This really winds up being seed money that takes a look at perceived needs in the industry. We then have the capability of funding people in the colleges and universities to do the work that identifies and puts the dimensions on the perceived problems and prepares them for handing on into more major things.

So we have those two areas of co-operation with academia. We also do some stints as guest lecturers at some of the universities on things like the Occupational Health and Safety Act, the basics of mining and that kind of thing. It is a pretty good, healthy thing. To be very frank with you, it is a whole area of co-operation and collaboration that we would like to enlarge and we strive to enlarge it. We are really doing quite well there.

With the mining industry, we work hand in glove with the industry and with its safety people, sometimes to the extent where we are perceived to be almost an appendage to the mining company's organization chart as opposed to a body separate. We do introduction, we do implementation of programs. We draw the line at managing safety programs. We will not manage an organization's safety program. It is their responsibility to do that.

But as far as giving them materials, training their people, doing an introduction, trying to sell the program within their organization, that is what we are there for, and pointing out to them the cost of complacency, which is part of the persuasion that goes along with getting into the organization at any place. Again, across the industry, we have some segments where we feel a need to do better. We have some segments where we feel very comfortable and

very happy that our services are being used to good advantage, but we are not perfect.

Mr. Leone: As a comment on this one, my impression is that one thing I would like to see in the future some time is whether there is a duplication in some of the activities of this organization which is intended to give and suggest new rules and regulations for safety.

At the same time, I would like to know, and we have to find out, how much of their information reaches the workers, because we have to be sure that all the knowledge supplied at these levels is communicated and given to workers so that prevention can be effective.

Mr. Miller: In the interest of time, I think we have covered the presentation quite well. I think the matter of co-operation among labour, management and the industry itself is coming through very clearly to myself. Anything we can do to strengthen that is a step forward, and to get even the people from the mining association, who have been kind of separate. I think it is important to bring that side in along with labour and management, because it has become very clear that the cause of many accidents is co-operation. One has to protect the other.

Mr. Chairman: A couple of members have not had a chance to ask questions yet. We will go to Ms. Collins first.

Ms. Collins: The other day, the Ministry of Labour listed drug and alcohol abuse as one of the contributing factors in the accidents. It was a recommendation in the Burkett report that a study be done to look at the extent of the relationship between accidents and drug and alcohol abuse. Your association has decided not to take on such a study.

Mr. Brailey: We did look at that and we had discussions with the Ministry of Labour. The fact of the matter is that we mentioned that it would be contravening confidentiality of information. We find ourselves unable to do so. We do not have the legal or political right to in fact gain this information. It is not a question of our not wanting to do that. I think personally, and the board would support me in this, that such a study should be done, but the fact of the matter is that the rights of the individual at the moment make it very difficult, if not impossible, to make any form of correlation.

Ms. Collins: Who do you think should be doing such a study?

Interjection: You should do it.

Mr. Brailey: We should do it? The problem is the legal problem of the rights of the individual, and unless that problem is cleared up, I do not think anybody is able to do it.

Ms. Collins: Health studies are done all the time, so I do not quite understand why one cannot be done in this case. It seems to me that an accident prevention organization--

Mr. Brailey: If this committee, in its wisdom, can in fact bring about some initiative, then we would wholeheartedly support it.

Mr. Chairman: I think that is a good point. The committee could make an attempt to obtain from the Attorney General (Mr. Scott) and the Minister of

Health (Mrs. Caplan) an opinion as to whether this could be done and the way in which it could be done. We could undertake to do that if the committee wishes. I think it is a useful suggestion. OK? Why do we not go ahead and do that as a committee, then?

Ms. Collins: Sure.

Mr. Chairman: Anything else, Ms. Collins?

Ms. Collins: No, that is all. Thank you.

Mr. Brown: I am kind of going back to my colleague's thoughts about education, but more than education, hiring practices within the mining community as a whole. Do we have a profile of what would be a safe miner? For example, strange as it may seem, I have a background in psychological testing. There are things like the Strong vocational aptitude test blank, which would show that someone like Floyd Laughren might be a great politician or whatever statements are made--

Mr. Wildman: Whoever came up with that assumption?

Mr. Brown: I said "might."

Mr. Chairman: And he is a colleague.

Mr. Brown: These things show those kinds of things. When you are hiring people, do you go through a process like that?

Mr. Brailey: Are you talking about aptitude?

Mr. Brown: There are aptitude tests and there are interest tests. There are a lot of psychological batteries that are used. Are they used in the industry? I am just wondering, if there is a correlation, if you could have a look at people who do not have accidents as opposed to those who do.

Mr. Brailey: They have not been used in the past. The fact of the matter is that with the declining population in the industry, there are so many ex-employees with recall rights, former laid-off employees, that the incidence of hiring new employees in the last five years has been very small, certainly in the nickel industry. There has been little opportunity to try any new concepts.

Mr. Wildman: That is not true in the gold mining industry.

Mr. Brailey: Gold is different, yes.

Mr. Wildman: There is a shortage.

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Mr. Brailey: In fact, a lot of the miners who end up in the gold mines already have experience in other sectors of the mining industry. The important thing, as far as they are concerned, is to try to get experience.

The question of the safety of the miners has been addressed more by the training. The common core training and the training for miners has been the subject of a tripartite committee, which has evolved into an accepted program now. We ensure that the miner who is hired does go through a commonly accepted form of training. We consider that essential.

The whole question of pre-employment screening is one that we at MAPAO certainly have not been directly involved in. It may well be an area you could direct your attention to, to give us some guidance. It is also fraught with some problems in that we have to consider the human rights of anyone who turns up. Any form of discrimination, certainly on the basis of capability, could be challenged and is challenged.

Mr. Brown: This would not be a unique thing. Many industries use psychological testing to choose their employees. I think capability is one thing you are looking for in an employee. I am just wondering if a profile would be useful. Obviously, in a dangerous work environment such as we are talking about, one person can affect a lot of other people's lives in a situation. If you have an ability to choose people who would more likely be safe workers--

Mr. Brailey: As I have just said, if, in your deliberations, you feel there is something we could be involved in, we would be only too willing to hear your opinions.

Mr. Chairman: Perhaps I could ask a supplementary to Mr. Brown's question. What about people who have had an accident already? Is there any kind of testing or interviewing of those people to see if there is a common thread that runs through people who have more than one accident, for example?

Mr. Brailey: Certainly. That goes on on an ongoing basis within the member companies. They will go through a procedure to investigate an accident to try to determine the cause.

Mr. Chairman: Are you aware of any kind of profile that we could look at of people who have more accidents?

Mr. Brailey: It is not a subject that MAPAO has done any extensive work in.

Mr. Brown: As some of the other members have pointed out, there is hiring in mines other than nickel. We may be coming to a period where a lot more miners are going to be hired. What kind of basic criteria do the companies use to choose who is hired? What are the criteria for hiring people in the industry?

Mr. Brailey: The criterion is basic education.

Mr. Wildman: Whether you have enough guts to go underground.

Mr. Brailey: I cannot really let that pass. That is a popular misconception. In fact, our mines, as shown by our results, are a safe working environment. There is no question that the common view of the industry is that it is a rough, tough business. Some of the conditions could be improved, and it is an ongoing business of trying to improve them, but the results we have do show there is ongoing improvement. We can hold our heads up with any industry. We have a specific problem at the moment which we are trying to address, one of too many people getting killed.

Mr. Brown: To come back to that, what you are telling me is that education is really the only criterion we are looking at? That is why I am suggesting these other things.

Mr. Brailey: We are unable to discriminate on the basis of physical capability.

Mr. Brown: Aptitude, interest and whatnot are something that are statistically valid in other industries. I think it would be in the interest of everyone who is underground to try to choose the person who would be potentially the safest person underground.

Mr. Chairman: It will be interesting to get the representatives from the labour movement to ask them those same questions, Mr. Brown, and Ms. Collins too. I suppose they are good questions to ask them.

Mr. Wildman: Could I ask a supplementary?

Mr. Chairman: Yes. I think we had better make this the last one.

Mr. Wildman: I have two or three short questions.

Mrs. Marland: Oh. I had my hand up before Mr. Wildman.

Mr. Wildman: Go ahead.

Mr. Chairman: All right. Time is in the committee's hands.

Mrs. Marland: Mr. Chairman, I know this was addressed at the time, but I think this is a very important area and obviously the most direct thrust of what our committee mandate is. I want to say that I will be interested. I think Ms. Collins's point is very valuable because it has got to be that any kind of personal abuse that affects the ability of a person to work in a certain situation and puts his fellow workers at risk has to be terribly important, and I think that alcohol and drug abuse is critical.

I want to get back to the credibility of the MAPAO, because obviously the credibility is established by the record; the record speaks for itself. As with everything else, a lot to do with credibility can be very beautifully illustrated in black and white, which we have, and then there is the other aspect, which is perception.

I want to get to the point where you have the board established with all industry people. You have explained why labour is not there, but you have not really explained why the public is not there. As with anything, I think credibility can often be enhanced by the fact that any industry in any situation is willing to open up the doors and let other people in. I think with any subject where you eat, breathe and sleep it you are very knowledgeable--everybody who is on the board who is in the industry, I am sure, is obviously very knowledgeable--but sometimes if you look at something from the outside, you can separate the wood from the trees. With some people from the public sitting on the board--and if you look at boards of anything, it is generally a cross-section because everybody makes a contribution, everybody forces himself--if it is your industry or another industry, it very often forces that industry to look inside itself.

When I hear you say that there are nonpublic appointments and I also notice that at another point in your report you mentioned again the funding question of the association, whether or not it is public has not been raised, and you said again it is not an issue here. That is a matter of opinion, as I think our chairman said further on about the budget, whether or not it is within our purview, and you acknowledged it could be within our purview.

The point is that if you want to have the public perceive the work of your association to be in the interests of the public and the industry--the

public being your employees; and it is employee safety, of course, that is the thrust of our mandate in this session--would you agree that it would be in your best interests to have nonindustry people sit on the board?

Mr. Brailey: I think, to address your point, my answer previously was that we have preferred to go after the labour participation first.

Mrs. Marland: That is right.

Mr. Brailey: It does presume that we would get to consider the public participation later. I would point out, however--I do not know whether this is true totally--that if we look at our sister associations, I do not think there is public participation on those boards.

Another point is that in the constitution of the association as it was conceived, in the way the board operates in husbanding the funds from WCB to look after this sector of the industry, the requirement is that the membership of the board of directors be people with association with that industry. In fact, that was something we had to address with the labour participation, and we would have to address it again if we were to bring in somebody who had no physical connection with the industry.

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Mrs. Marland: You are saying that because of the fact that you are responsible for the funnelling of the money from the industry through WCB back to the association, WCB would be an issue to your appointment of people from outside of the industry?

Mr. Brailey: No. I am saying that as we are presently set up, anybody who sits on the board of directors has to have some connection, in fact has to be a member of one of the companies that the group serves. I am not saying it is something we obviously could not get around by changing the rules, but that is the way it exists at the moment.

Mrs. Marland: But the very thrust of your separating from the Ontario Mining Association was that you would present yourselves as "an independent force within the industry."

Mr. Brailey: We feel that we are an independent force.

Mrs. Marland: And you just said that other similar associations are set up the way you are. In response to that, if other associations were before this committee, I would also say that I would like to see representatives of the public, and if you are waiting for labour to come on side and then consider the public, then--it is six years now that you have not had either.

Mr. Brailey: For two of those six years we did.

Mrs. Marland: Of the public?

Mr. Brailey: No, of labour.

Mrs. Marland: No, that is what I mean; that is what I am dealing with. The point is that even when you did, then, you still did not have the public. I think that is something that, when we get to recommendations of the committee, I would like to come back to.

What have you done that was the reason for separating from the OMA in six years?

Mr. Brailey: There was a significant change in that the executive director at that point in time was both the executive director of the association and the Mines Accident Prevention Association of Ontario. The most significant change was, in fact, that we went and hired an executive director who looked after solely the association's affairs. There was no connection between the two.

Mrs. Marland: No, but it says here that, "the basic shortcoming was that it did not present itself as an independent force within the industry." I would suggest to you that you are the same configuration, albeit with a separate executive director, but there is nothing on your board that suggests you are an independent force within the industry today.

Mr. Brailey: I hear what you are saying.

Mr. Chairman: Mr. Wildman, you have one last question, or three last questions.

Mr. Wildman: In response to my colleague the member for Algoma-Manitoulin (Mr. Brown), to use an extreme example, if someone who was unable to walk were to present him or herself to one of your companies and apply for employment, I doubt very much you would hire him.

Mr. Brailey: I doubt we would.

Mr. Wildman: So there is some question of discrimination on the basis of capability and physical ability. Could you tell me how many bilingual employees your organization has--at least, those who can speak both the official languages of this country?

Mr. Coughlan: MAPAQ?

Mr. Wildman: Yes.

Mr. Coughlan: Three or four--say, 12 or 15 per cent.

Mr. Wildman: OK. Do you have any idea of the number of francophone people working in the industry in Ontario?

Mr. Brailey: It is not a statistic that I am familiar with.

Mr. Wildman: I would say that certainly in northeastern Ontario, in the Sudbury basin, Elliot Lake and in many parts of the Kirkland Lake area and Timmins there would be a significant number of francophones underground and in the mills, would there not?

Mr. Brailey: Yes.

Mr. Wildman: Has the organization thought it might be useful to increase its capability with regard to the French language?

Mr. Brailey: Our member companies have not requested that service.

Mr. Wildman: I am sure you are aware as a safety association that the labour movement, the Mine, Mill and Smelter Workers Union and also the

Ontario Federation of Labour have extensive training programs for their members with regard to occupational health and safety and also through the workings of the Occupational Health and Safety Act; for instance, the OFL 40-hour course and so on. What is your association's attitude towards the suggestion that those labour organizations should also be receiving some funding from the Workers' Compensation Board for the operation of their safety courses?

Mr. Bailey: Let us take an example. Quite recently, we did agree to form a joint committee with the OFL and other sister safety associations to put together a program on the workplace hazardous materials information system. We are physically working with that association.

Mr. Wildman: You are in favour of those associations getting independent funding from your safety associations, from the Workers' Compensation Board to carry out their programs?

Mr. Brailey: I do not think our opinion as an association is relevant. The funding has been provided by the Occupational Health and Safety Education Authority of WCB and it is there. As I said, we are working together on a co-operative program to develop a training program in WHMIS with the OFL and other safety associations.

Mr. Wildman: Would it be unfair of me to assume from the tone of your response that your association is not enthusiastic about the OFL, for instance, as you raised it, receiving independent funding from the authority?

Mr. Brailey: We have some reservations about the tone of some of its literature, but be that as it may, we are now working together with the Ontario Federation of Labour.

Mr. Chairman: Are there any other questions? If not, Mr. Brailey and Mr. Coughlan, thank you very much. I am sure you can tell that the members of the committee found your brief very interesting and informative.

We now must make a decision to go on to the Mining Industry Fatalities Committee right now and go until, say, one o'clock, and then come back at two o'clock because we have Ron Smith who is a consultant in the mining industry who is appearing before the committee this afternoon; he is scheduled for two o'clock. Is there agreement of the committee that we go ahead now since the people are already here and deal with the fatalities committee?

Mrs. Marland: I wonder if the other two people who become this next presentation are available at one o'clock rather than continuing now, so that we do it the other way around, because it is a very critical area. My colleague has left knowing that the committee normally stops at 12 noon. I have a meeting at 12. I am only speaking for those two members.

Mr. McGuigan: There is only one this afternoon.

Mr. Chairman: Yes.

Interjection.

Mr. Chairman: It is hard to tell, is it not?

Mr. Brailey: Mr. Chairman, we are prepared to make our presentation an hour later although I would hope--

Mr. Chairman: Would you prefer to do it now?

Mr. Brailey: I would prefer to do it now if that is possible.

Mr. Chairman: Mr. Briggs?

Mr. Briggs: I have a plane to catch.

Mr. Chairman: These people have planes to catch. Is it all right with the committee that we go ahead now? OK. Thank you very much for speaking on behalf of the MAPAO. We appreciate it. We may get back to you at a later date.

We will now move to the Mining Industry Fatalities Committee, a tripartite committee. I will not speak for them. I will let them describe who they are. They are going to be joined at the table, I hope, by a couple of people.

Mr. Brailey: Yes, we have Rick Briggs, the president of Mine, Mill.

Mr. Chairman: Welcome, Mr. Briggs.

Mr. Brailey: You have already met Vic Pakalnis, I know.

Mr. Chairman: Yes.

Mr. Brailey: Mr. Brehaut of Placer Dome.

Mr. Chairman: Can you find enough chairs? When Mr. Pakalnis is speaking, we will need to get him to a mike whenever the time comes.

Interjection: Sit on the committee, Vic.

Mr. Chairman: This may forever brand you. You do know which party's chair you are sitting in, Mr. Pakalnis?

Mr. Pakalnis: I will lean towards the committee.

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MINING INDUSTRY FATALITIES COMMITTEE

Mr. Brailey: I will try and be very brief in explaining the rationale for this committee, and what we have done so far, but, as I have said many times in the last two hours, we have been concerned with the fact that, in spite of our downward trend in accident frequency, the fatality frequency has somehow eluded us. We have been unable to find what the problem was there.

I have personally, in my tenure as president of MAPAO, noted the fact that we were proud of our record except that we have this ongoing problem. One of the things that we started in 1986, when Bill came aboard, was we said, "What are we going to do about the fact that we cannot seem to get a handle on fatalities?" So we set our safety committee together to look at specific areas where there seemed to be more fatalities than others. That committee has worked together with union involvement, incidentally, to try and get a handle on some of the areas where we are having more fatalities than we should be having.

This initiative was under way, and then we got into 1987. Right away we started to get into a problem early in the year. By the time we got to our MAPAO annual convention in May of last year we were already very concerned that the current total at that time was above what it should have been. Also, there was an undercurrent of concern in Parliament, certainly about the multiple fatalities at that time.

The MAPAO board got together and wondered if there should be some initiative taken. We decided that at our next board of directors meeting on June 19 we would devote the entire meeting to the subject of fatalities.

At the end of that meeting I was driving home with my wife and we heard of yet another fatality, at which point I resolved that we could not wait to consider it until the next board meeting. So, at that time, I got together with Bill and we said: "We have to do something. We have to get everybody together, including labour, the heads of the mining companies and the Ministry of Labour and we have to try to find out where the hell we are going. What are we doing wrong?" We are in the untypical situation in this business of not knowing the answer to the problem. In our business, we face a lot of challenges but the worst is one where you do not know the answer.

We had a meeting on June 19 with representatives of all three sectors, at which point we shared our collective concerns and resolved that we would put together a committee to specifically look at why more people than we would expect were getting killed in our industry.

The committee was put together. You see the people here that Roy has introduced. In addition we have Norm Carriere of the United Steel Workers of America, who unfortunately could not be here today, and Roy Aitken of Inco.

This committee has met on several occasions since then. We have taken a number of initiatives which I would like to briefly run through with you although I would like the committee members to make some comments on some of these.

One of the initiatives--it appears on page 5 of the report--is in the area of fail-safe.

Fail-safe is a system in which, before a plant is put into operation, the question of "what if?" is asked--"What if this goes wrong? What happens if this goes wrong?--to the point where we engineer out all of the problems and we take care of all situations to the point that we have a safe operation.

A classic example of fail-safe in the mining industry is our use of cage guides and dogs. If the rope breaks on the conveyance in the shaft, then there is a fail-safe system, the dogs come out and engage the shaft. I urge you when you go to visit to take a look at this. If the rope breaks, the conveyance will come to a halt in the shaft. It will not drop to the bottom. This is a classic example of fail-safe in that we are not even relying on the rope staying in one piece.

This fail-safe system, the process, was adopted at Inco as being a way of sorting out a problem they had. They had used it in some of their processes. In fact, we have done an investigation into the process. It was started in Britain some years ago. We have now put a staff engineer on to this job at MAPAO to in fact become an expert in fail-safe so that we can provide this service to the industry where required.

The second initiative was statistical analysis. We said maybe we should have a statistician take a look at the results of what has happened to our people in the last few years, certainly since the Burkett report, and see if he can find something that we have not found. That analysis is under way. We have not had the results yet, but we are hopeful that something will come out of that information, although I must say that what we are saying is, "Take a look and see if you can find something." We may find, for instance, the question of age is a factor that we have not recognized yet. That is the second initiative.

The third initiative is that we have looked at the internal responsibility system. Just about everybody who is associated with the industry has looked at the internal responsibility system. We have had extensive meetings on the subject. We have attempted to have a definition on the subject. Certainly the industry has had a lot of useful discussion in the last nine months on just who is responsible for what and who contributes to the responsibility in the working environment.

I am sure some of the members of the committee will want to talk about that. Suffice it to say that MAPAO is working with the Ministry of Labour to develop training modules in the internal responsibility system for our member companies.

Finally, at one of our later meetings we did discuss, and we have for some time discussed, the problem of attitude and culture and perceptions. We said we should try to get the involvement of a behavioural scientist or psychologist to try to help us with this. We did in fact have a session at our last meeting with a psychologist from the Ministry of Labour, and at that point we decided to undertake a pilot project in one of Placer Dome's mines in Timmins, the Dome Mine in fact, to try to develop a survey to see the effect of attitude and culture on the accident frequency and if there is anything there that we have not yet seen.

Those are our four initiatives to date. It does not preclude that other initiatives may arise. We certainly are trying to zero in on the specific problem of why, in the face of dropping accident frequency, we are suffering from this increasing fatality frequency.

That completes my presentation. We offer this committee as a sounding board for your committee's deliberations and we would be pleased to answer any questions of any member of the committee.

Mr. Chairman: When this committee was struck, there was some concern expressed that we should not do our work until your tripartite fatalities committee had completed its work. There was some debate that went on among members and with the minister, the House leader and so forth. It was finally determined that we should go ahead and get started and that your committee would be reporting around the end of April. We are not sure, maybe you can confirm that.

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Mr. Brailey: I do not know where that came from. We, as a committee, have not decided that we will terminate with a report at any given time. We have discussed our programs and we have, as far as we feel, an open-ended mandate, that if when we have completed our work we would wrap up, but there is also a sense that if we have not got to the bottom of it, we would keep going.

Mr. Chairman: I appreciate the offer in your brief to provide us with information as it becomes available to you rather than waiting until the final publication, because we sure do not see ourselves in competition with your committee. We would appreciate any kind of assistance you can give us as time goes by.

Mrs. Marland: Is there anything in the employee's condition of work, particularly below the ground, that gives them the right to report on their fellow workers? Obviously there is nothing more critical than the subject of fatalities, but when you are dealing with the situation at the moment with the reduction in every other area except that, you are obviously now into an area where it is something that up until now has been intangible, that you cannot focus on, otherwise it would have been corrected. So you have to start wondering, if you are looking at intangibles, are you looking at things?

With respect, although I probably would not have used quite the same words that Bud used about what you needed to go underground, I think about the psychological aspect. That is why I think my other colleague's comment about psychological testing is relevant because there may be people who appear to be excellent candidates for employment, but quite frankly, claustrophobia is something that a lot of people may not even realize they have. They may not even realize they have it for the first six months or 12 months, but then it may be something that after a relative amount of time to that individual may, I suppose, develop. Obviously, in your profession it would be something you have looked at, but if something like that develops with an individual and it is not apparent to the supervisor on their shift and it is not apparent as soon as they are out of the underground atmosphere--even looking at the photographs I think it is not like any other industry.

Your industry is as safe as any other industry. I think that was your response about what is needed to work underground. I do not think the question is whether it is as safe as any other industry, but it is totally different. To work underground has to be totally different. Recognizing that and recognizing what it may do to individuals, is there any provision where I could report signs that I see in a fellow worker that start to put the rest of us at risk on that particular shift? Is it possible for workers to give reports like that, without putting the worker with the developing problem at risk for losing his job? He has his family and his mortgage and everything up above the ground. So the worker is inhibited from making that kind of report. Do you get into anything as serious as that?

Mr. Brehaut: I will start and others can come in afterwards. It is a very difficult situation as you can appreciate. What you will find is that it comes out in different ways. If you have people working together, a worker will come and say, "I would like to change my working place." He will not come out with a statement in terms of safety, but perhaps he just does not like the guy. It could be personality. It could be any number of reasons. We find that people will come to our supervisors and sort of talk along those lines.

There is nothing against a person coming and talking to a supervisor on a one-on-one basis and saying: "I do not want to work with this guy, because he is not safe. He does not follow the procedures. My life is in danger." I do not know of any examples of that happening, although I am sure it would be handled very discreetly. It is not a case of our being able to move against a person and say: "Look, you are not safe. We are going to fire you." There are enough checks and balances in the system that a company cannot take that kind of action.

What a company would do in that situation in most cases--I am not saying there are not exceptions--is to say: "You have an attitude problem. We have a training program." One of the things to do is to take that guy out of his workplace and give him another training session to make sure he understands the correct procedures.

One of the points that came up earlier on the training aspect dealt with our doing a lot of training, but we do not do it once. We find that we have to be reminding people, whether it is the supervisor in the workplace or getting him back out and running him through procedures again to make sure they are well understood.

Mrs. Marland: The thrust of my question really is not towards the technical aspect of the safety procedure; it is to the psychological aspect of that worker.

Mr. Brehaut: That is the first attempt. We would try to change the psychology, make this person understand again.

Mrs. Marland: Right. If he is a very reliable worker, hard-working and very committed to the job, does the company, through the union, first try to give him an alternative job above the ground?

Mr. Brehaut: One case I am thinking of here is the nonunion operation, but that does not make any difference. In one case we had an employee where we just noted in his record that he was having a number of small accidents. He was an excellent employee in his previous job and we gave him an advancement, a more skilled job, and we found that he was having a number of small accidents. He was called in and we said: "Look at your record. Do you not agree that you are sort of cruising for a bruising?"

Actually, before we got to the point of saying we would like him to go back to his old job, he volunteered to go back to his old job because he recognized that perhaps he was a hazard to himself. Again, we do review records, we review accident histories and try to deal with them using that evidence as indicating whether it is attitude or lack of training or that type of thing.

I would like to finish off by commenting on the hiring aspect of it, because you just do not hire a person by giving him a bunch of tests, whether you give him a lot of tests or a few tests, or looking at the standard questions you can ask on a form, given all the rights these days. But a prospective employee will be interviewed by members of the mine supervision team, probably the supervisor he is going to work for. As they interview him, they are judging his fit with the company, his attitudes towards safety, his skill levels, and it all comes in. There is one thing the supervisor does not want to do, and that is to hire someone who obviously has an unsafe attitude towards work.

So it is there in a couple of places. It is not there in a formal way, but that is one of the reasons we at Placer Dome are supporting this study on attitudes. Maybe it will bring something out that will make us a bit smarter at that stage as well.

Mrs. Marland: My question was directed to that individual who is in the job and who, over a period of time, which may be a shorter or a longer period of time depending on the individual, starts to change and develop a problem. I do not know how many work in a stope, if it is six or eight people.

Mr. Brehaut: Or two.

Mrs. Marland: Say it is two--

Mr. Brehaut: It could be anything, yes.

Mrs. Marland: I know this fellow is really developing a problem now where eventually he may be marginal, and yet I also know there is not another job for him and if I report it to the supervisor, that really is a tough thing to do, yet that may be a contributor to something down the road that could be terribly serious.

Mr. Brehaut: Yes, and a company would have to respond to that situation. If he is investigated, if he is a danger to his fellow workers and, maybe more important, to himself, then something has to be done. It is no different from a drug problem or an alcohol problem where you have your employee assistance programs. You get him out of the situation, you get him away for treatment. In this case it might not be of that nature, but it is either to a different job underground or to a job on the surface if it is available. There are certain constraints for immediate action here, but you will take action.

Nobody at any level likes to deal with accidents. It is not a fun experience, no matter how serious it is. There is a natural tendency from the individuals involved to do something about it. They will not ignore it.

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Mrs. Marland: Yesterday, when we were talking about fatalities, I asked whether it was possible that the record of fatalities is related to the size of equipment that is now underground, compared to the types of equipment that may have been used two or three decades ago. Is that possible?

Mr. Brailey: Again, the study under way may show that, but I would say off the top of my head that some of the methods in mining we are involved in now have been put in to improve the safety of the working conditions. They are safer, there is no question about that. As far as the age and size of equipment is concerned, I certainly do not see any correlation there.

Mrs. Marland: Before you had big, heavy equipment underground, and we saw one of these in one of the slides, the risk of somebody being backed over with a piece of that equipment did not exist, because the equipment did not exist. I am wondering if there is some relation between the types of equipment and the fatalities.

Mr. Brailey: It is a possibility we will be looking into with this statistical study. If we see any area of commonality, we will go after it and see if we can see any reason. As I say, the trouble is that we are always taking figures off the top of our head and saying we do not think there is. We should, in fact, be careful to stick to the proper analysis.

Mr. Brehaut: It is a factor, though, I think.

Mrs. Marland: Are you Mr. Briggs? I am sorry. I am asking because I was out of the room when you were all introduced. You are a representative of the union.

Mr. Briggs: Yes.

Mrs. Marland: Have you worked in a mine yourself?

Mr. Briggs: Eighteen years.

Mrs. Marland: Is any of the thrust of what I am thinking a possibility?

Mr. Briggs: There is certainly some common ground there, although, as far as our committee is concerned, we have focused on four issues. If it would help you, I believe your committee should be looking at technological change in the workplace. You have to take into consideration that the downturn in the nickel industry, particularly, and in the mining industry as a whole, affected the workforce on a great plateau.

One of the problems we have found, in my opinion, is the fact that workers change from one mine to another, from one which may not be as technically advanced, with very little training in technical background regarding the operation of that type of equipment.

Mrs. Marland: A standard of training?

Mr. Briggs: I believe training is extremely important. I would like to see your committee focus on that type of thing.

Mr. Chairman: I escorted a colleague of mine underground at Inco one time, Creighton mine, a member of our caucus. He became panic-stricken underground and started to run. As a matter of fact, he became so traumatized and disoriented that he crossed the floor and became a Liberal. That is an absolutely true story.

Mrs. Marland: And now he is a minister.

Mr. Chairman: No, wrong one.

Mr. Wildman: He was not the one who became a minister.

Mr. McGuigan: At least he ran in the right direction.

Mr. Wildman: With a capital R.

I would like to ask some questions about communications underground, since this has been an issue looked at by many committees and commissions over the years. What work are you doing specifically with regard to the proposals that have been made for improving communications? We were told that during a shift, for instance, a worker who might be working alone would be visited, say, three times, to ensure that things were going OK. That, of course, raises the issue that right after the visit something might happen and it might be another two hours before the next visit.

What is happening with regard to the issue of communications in general, and specifically with regard to miners working alone?

Mr. Brailey: I guess you bring up two things. One is the communication with the individual in the stope. I would ask one of the others to talk about the work that is being done in the technological advancement of communication systems. There is a lot of work going on there. Some of that has already been alluded to today. Do you want to take that one, Bill?

Mr. Coughlan: Sure, I can take it.

A lot of good information on communications underground came out at the communications and lighting seminar I alluded to earlier that was held in Sudbury a couple of months ago. Almost 170 people from the mining industry--Ontario primarily, Canada and some from the United States--seem to have zeroed in on the issue of communications underground as requiring some attention, specifically to get relatively immediate voice communications from people who are in remote areas back to supervisors or to other workers. After the whole-day session with some excellent presentations, the thing seemed to zero in on a need to develop radio communications systems for underground.

These are not as simple as one might ordinarily think, in that the transmission of radio waves underground does not work all that well. There are systems called leaky feeder systems that require the stringing out of antennas throughout all the mine workings. There are induction systems that use existing pipework and that kind of thing. None of these has been proven so far to be a satisfactory solution to the problem that we are dealing with.

So as a follow-up on the communications part of the seminar, on February 10 there will be a meeting of people from Canmet, Laurentian University, the Ministry of Labour, the Mines Accident Prevention Association of Ontario, the Canmet laboratory at Elliot Lake--I am just trying to think; there is somebody else in that mix somewhere--to try to come to grips with the whole topic of communications underground, but specifically with respect to developing immediate voice communications from all occupied areas of the mine back to the decision-making process. That is where we are at with that thing now.

These systems have been around in prototype and embryonic stages for many years. When I think back to what appears still, in my opinion, to be the most probable one, the leaky feeder system, I was involved with one of those as early as 1967, which is 20 years ago. The mills of the gods grind slowly in our industry. They were certainly not satisfactory then. The interesting thing is that 20 years later there is very little technological improvement in them.

They do work better, frankly. The problem is maintaining them in an area where you have a lot of heavy equipment traffic, where you have blasting, where you have a variety of environmental conditions that are abusive to almost anything you put in that environment. It really dictates that to get a successful system, something that will give us reliability similar to what you have with your Bell Telephone system, we have a formidable task. But it is a task we are certainly looking at now, as an industry-wide group, to come to grips with.

Mr. Wildman: Is your committee itself doing anything in particular?

Mr. Brailey: No, not this committee.

Mr. Wildman: What about the issue of miners working alone? Is that an issue your committee is concerned with?

Mr. Brailey: No, we have not addressed that. It has not been brought up by the members of the committee as a concern in looking specifically at fatalities. That is not to preclude that if the Shannon report's statistical analysis shows there is some concern there, then we will look at it.

Mr. Wildman: It has been suggested to me that if you brought in a regulation prohibiting miners from working alone, you may in fact end up with

some unfortunate incidents where instead of having one dead miner, you would have two.

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The other issue that has been brought up from different angles before our committee has been the question of the bonus system. For instance, Dr. Hoek from the University of Toronto, who is an expert in rock mechanics and ground control--he indicated that he was not an expert in labour relations and was very careful to say that--in talking about a lot of different aspects of safety and research that is being done, indicated that in terms of changes in mining techniques, perhaps the bonus system, developed during a time when different techniques were common in mining, could be adapted to the new techniques that are becoming common in mining and that it might have a beneficial effect in terms of safety. Do any of you wish to comment on that?

Mr. Brailey: I might just comment that the Ontario Mining Association commissioned a study into the effect of bonus on accidents as a result of the Burkett report. Any look that MAPAO has taken has not shown any correlation.

Mr. Wildman: That is what the Ministry of Labour told us, too.

Mr. Brailey: This committee has not undertaken to look at that particular aspect, but I am sure there are other views on that by members of the committee.

Mr. Briggs: I really think the bonus system is certainly an adversarial one; there is no question about it. But I would agree with Dr. Hoek's analysis. The bonus system has to be looked at because of the technological change in the mining industry.

The committee has to be very aware that when you do go underground, you are probably going to be going into a mine that is technologically advanced. It may help you in your deliberations, if you can find a particular mine in the province that does not have a lot of technical advancement, to visit that as well. You can then compare the bonus system that works there with that of a mine that is technically advanced. I believe there are some problems in that area.

Mr. Chairman: Further to the point Mr. Briggs has raised, I know you are not representing the OMA or MAPAO today--or not the OMA, at least. Would they be able to give us some guidance on visiting a mine that was more primitive, perhaps, than Inco or Falconbridge?

Mr. Brailey: Certainly, if you would like to go and visit a mine that uses older methods, that could be easily arranged. If that is what you would like to do, you could do it in the Sudbury area, for instance. You could compare east mine with, say, north mine of Inco. They are somewhat different.

Mr. Brehaut: Let us not believe that the Incos and Falconbridges are the only companies here. We in the rest of the industry figure there is a particular emphasis always on Sudbury, Sudbury. They are big companies and there are certain atmospheres and relationships there. Then you have a number of the smaller operations spread across the north of the province. I think, with all due respect, Elliot Lake and Sudbury are not the places to go to get a good overview.

Mr. Wildman: How about Red Lake?

Mr. Brehaut: Red Lake is one of our mines. It has smaller working places. Sometimes it is not technology that is the difference here, it is the size of the ore body and your ability to use technology in the larger areas. At Red Lake, while we are bringing in smaller scooptrams, we are mechanizing, but not on the same scale. We have the full range of mining activities, including the slusher underground. Those were interesting comments on the size of equipment. You probably have a lot more accidents with a slusher, but it cannot run you over; while with a scooptram you will have a lot fewer accidents, but I think the point was well made that you can have something more serious.

We have what I call the standard single workplace bonus system at our Red Lake operation. At Dome, we have a combination of a few bulk mining areas but a lot of the oldtime ones as well. If distance is a factor, going to something like the Dome mine, you would see the full range of mining methods at that operation.

At our new Detour Lake mine we are just going underground and there we will be highly mechanized. When you get highly mechanized, you get further away from the ability of a man to set his own pace and earn his own bonus. You get into a team effort. The point is well made here as well that we are adapting to technology and using a team approach, where not only the miner but also the mechanic and the electrician who keep that equipment going are part of it.

To that extent, there is less ability for an individual to gain from his own personal effort, but he is into a whole different situation. I think we are adapting the bonus system to technology to some extent.

Mr. Chairman: Burkett was quite specific, was he not, that the bonus system should not be individualized? It should be more of a team effort.

Mr. Brehaut: Where you have teams. I mean, when we have teams in a small operation, there are two men. That is the team, you see. They are not reliant on the mechanics, and the electricians only to a minor extent, while in a scoop tram mechanized drilling operation you could have the six to eight men we are talking about. You could have the men on the opposite shift and then you have the supporting services as well.

Equally, what you look at is that the more people you have working as a team, the better off we feel we are, apart from an efficiency point of view, because if a man is not busy in this one working area, he can take his mobile equipment and work in another one. He keeps busy and it helps him on the bottom line and it helps us as well on the bottom line.

Mr. Wildman: Can I ask one more question on that? The committee on fatalities is obviously dealing with traumatic accidents in trying to determine what causes there are and how to deal with those. Are you also working on issues related to health and on fatalities related to silicosis, cancer and pneumoconiosis?

Mr. Brailey: The short answer is no. That is not the mandate that we have undertaken. We are looking at traumatic injuries leading to death.

Mr. Wildman: OK, but does that mean the industry is not working on it?

Mr. Brailey: No, no, this committee.

Mr. Chairman: Are you finished, Mr. Wildman?

Mr. Wildman: Yes.

Mr. Chairman: OK. Ms. Collins?

Ms. Collins: It has been covered.

Mr. Chairman: Lorraine Luski, our research assistant, has a question.

Ms. Luski: I was wondering if somebody could comment on the internal responsibility system. You note in your brief that the concept needs to be described in a manner that will allow reasonable consensus of the parties. Could you explain why there is a lack of consensus among the parties concerning this issue?

Mr. Brailey: OK. Would you like lunch at one o'clock?

Mr. Brehaut: I move that Rick Briggs go through it.

Mr. Brailey: Yes.

Mr. Briggs: It is a very interesting subject, for sure, and it is something that, in my opinion, has never been dealt with on an appropriate basis. In my honest opinion, it does not work. It is not set up properly and labour gets the short end of the stick in the internal responsibility system.

Mining industries are very selfish when it comes to giving up a little bit of power. Maybe they have their reasons, but, in my way of looking at things, to have an internal responsibility system that works appropriately one must be equal in power. That they have not succumbed to, and until they do, it is not going to work appropriately.

I believe it is an important system in preventing mine accidents, and particularly fatalities in the mining industry--certainly accidents. Although our committee is set to deal with traumatic fatalities, many injuries, certainly in my experience, have caused as much pain as sudden fatality. The internal responsibility system does not work and it needs research.

Ms. Luski: What do you mean by having equal power to make it work?

Mr. Briggs: For instance, in my opinion, if a safety committee representative made a decision to close down a portion of an operation, he must have that power. That situation can be discussed later with the mine superintendent to come to a rational decision on what should be done. Labour does not have that power, and until it gets that, it is not going to work appropriately.

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In the mining industry, if you approach a supervisor and you say, "I think we should shut down this heading because it is not safe," if the price of metal is on the rise, you are liable to get told very quickly to take a hike. "We have work to do here." Until you have that authority and until labour has that authority in an underground operation, the internal responsibility system is not going to operate and it cannot operate.

Mr. Brailey: Moving right along.

Mr. Brehaut: Without disagreeing with Rick in total--I will agree with him in part--we have been picking around the fringes of the internal responsibility system. We have health and safety committees. We have worker representatives. I think in most operations it has been an evolving process in terms of acceptance and making them into useful bodies, but that is only part of the internal responsibility system.

Again, I am not too sure about Rick's statement about not having the power. The practices that we have in industry, I think, largely respect an opinion if it is given. At the Campbell mine, we have spare stopes. If a worker thinks it is unsafe, we move him to the next stope. He works and does not lose pay or his bonus, so to speak. He is not disadvantaged and the company is not disadvantaged. We can approach a situation and look at it and move on with it.

Mr. Wildman: As long as (inaudible) is running that operation.

Mr. Brehaut: We will go in and examine it and a judgement will be made. It could be OK or it may be just a case that when the rock bursts, if it is a rockburst mine, you hear some popping. You just stay out for a couple of days and you have this sensing equipment so that you can say, "OK, now we all believe it is safe." Somebody will not just walk in and start where he left off but will approach it in a careful manner.

But there is no doubt that there is room to improve the internal responsibility system. What we have not done yet--and I see it as one of the advantages of our fatalities committee that we have some union people, industry people and Vic here together where we can sort of sit and get the whole truth out. We have heard what Vic has said already, but we have to go further in terms of getting things out on the table and seeing where the give and take is and move this along.

The Ministry of Labour is part of it as well, because it is part of the system. We have to see how we are all contributing to the safety and not have things that detract us. We do not want to get into silly fights, whether it is with the union or the Ministry of Labour, from an industry point of view, because the longer we spend fighting over some procedural thing, the less time we have to worry about how the job is getting done on all sides.

I agree with Rick that there is progress to be made but, hopefully, with our committee and with Vic developing a module, we can make progress. What we are going to be forced to do now is put this down in writing and say: "Let us get away from the motherhood statements and generalities. Let us get specific and then work at it."

Interjection: Completing the triangle.

Mr. Pakalnis: Completing the triangle. This whole question of internal responsibility system is extremely important. They go back to the questions, how do we communicate hazards underground and how does something get fixed if something is wrong?

We had a first meeting with labour, industry and government representatives to kick off this process to try to get some consensus in terms of what is understood by the internal responsibility system, how we can make it work better in the mining industry, because we are essentially a unique

industry in the environment we have and perhaps in some of the mechanisms we have in the mining sector.

One of the most promising outcomes of that first meeting was that, first of all, while there was a difference of opinion between industry and labour on what exactly internal responsibility system meant, there was a commitment to making it work. The second was in terms of what sort of values were required to make it work.

There were words such as "trust," "openness," "communication" and all the relationship-type factors that go into making a healthy system. My feeling is that since the phrase was coined by Ham, there has been a difference of opinion among all parties in all sectors. I would say the mining sector, frankly, probably has a better understanding of what it is and probably a healthier respect among labour and industry than any other sector.

Having this committee try to come up with a consensus on what it is and how we are going to make it work in the industry and what additional powers or tools or mechanisms are required to make it work: if we can arrive at that through a process of consensus among labour and industry, I think we will be making a major contribution in solving the problem of fatalities, at a very grass-roots level.

To go back to the questions related to communicating hazards, under the act there are various sections that require workers to report hazards, specifically under section 17. There are other sections that require supervisors to deal with these hazards. There are sections within the regulations that prohibit people from having alcohol or working under the influence of alcohol in mines.

There are a number of regulations. What we have to do, though, is look at how these can be enforced internally. Certainly an inspector cannot be in every workplace every day of the week. There has to be internal discipline exercised within a group of miners, perhaps in a stope, where there is mutual support. Where there is a problem identified, perhaps a person with an alcoholism problem or whatever, there is a support mechanism within that company to deal with that issue, not just a straight dismissal. Many companies have rehabilitation or employee assistance committees on a bipartite basis, with labour and management trying to deal with the illness. That is the kind of atmosphere we have to encourage.

That is as much as I want to say about the internal responsibility system. I would expect that this process, though, of identifying all the elements, of getting the consensus among parties, is not something we will make in a week or a month. It is a process that is going to take some time. We certainly are working at it internally at the Ministry of Labour and we are also making some headway now within the mining industry.

Ms. Luski: You mention that there is going to be further training in the IRS because the concept has never really been fully understood. Is that correct?

Mr. Pakalnis: Coming out of the IRS initiative identified by Mr. Brailey will be some sort of either a training module or a communications program of trying to inform the workers of what the heck this all means. Once there is some agreement among the major parties, it really has to get right down to the stope. Workers have to be knowledgeable about what their rights are, knowledgeable about what the system expects of them and what they can

expect of the system. It probably will be a combination of both some sort of training module and some communications package, to communicate very widely within the industry, right down to the worker.

Ms. Luski: That was my question. I was wondering if you were going to train in the consensus model of IRS.

Mr. Chairman: Mr. Briggs, do you feel better now about the internal responsibility system?

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Mr. Briggs: No.

Mr. Wildman: I do not have a great deal of knowledge about this--Mr. Brown may know more about it--but I understand that in Elliot Lake, through negotiation, the steelworkers and the companies there have set up a system of worker inspectors as part of their collective agreement and, in fact, those worker inspectors do have the right to shut down an operation if they believe it to be unsafe. Is that the kind of thing you are talking about, Mr. Briggs, in terms of giving power to labour in the operation of this system?

Mr. Briggs: Not exactly. One of the major problems is that negotiating for such an individual to speak costs a lot of money, no question about that, at the bargaining table. I do not believe that--

Mr. Wildman: So in other words, the workers are paying for that because it is part of their collective bargaining.

Mr. Briggs: Definitely, and the responsibility of safety is the responsibility of the corporation.

Interjection: Not if they are unionized, it is not.

Mr. Wildman: No, that is true.

Mr. Briggs: I believe that to negotiate a worker inspector or worker auditor is not necessary. The internal responsibility system has to work with equal power. I was not giving the indication that I was either for or opposed to worker inspectors, but there has to be equal power in deciding what is going to transpire in a particular case.

My friend on the left might say, "Well, we could get the worker to go work another stope," and management would go in and make a decision. That happens, but I do not think they are making all the right ones all the time. If they were, we would not be here. We would not be getting miners killed.

It is very unfortunate that we are sitting here today talking about miners being killed in an industry. I read in the Globe and Mail--likely you will understand--that 38 miners were killed in Mexico. I would hope that the reports from this committee and the findings of whatever we come up with--certainly I understand that Mr. Pakalnis is putting together a report on fatalities across Canada in the mining industry--will get to other mining centres around the world rather than just sit here in Ontario and gather some dust on a shelf.

But the internal responsibility system--

Mr. Wildman: If it is not, then, through negotiation and collective

bargaining, basically you are saying that, from your point of view, it is not necessarily a worker inspector but the worker in the job at the stope who has to be able to say: "Look, this is an unsafe situation. We've got to do something about it."

Mr. Briggs: Probably all over the mining industry workers have elected a number of representatives to represent them in safety problems, have elected other workers to represent them. But you can get into all kinds of problems with just saying, "Let's legislate a worker inspector," for instance. It may be a good idea; I have never looked at all the pros and cons. But I believe that a worker representative, if chosen by his union or his workers, should have that power. It may not be necessary to legislate it. There has to be some agreement between company and union other than at the bargaining table, where it costs bucks. I believe that should be part of your committee's mandate, maybe, to look at that.

Mr. McGuigan: I have trouble sorting out in my mind the difference between the internal responsibility program as you would like to see it operate, where the worker has the authority to shut it down, and the act, where workers have the authority to refuse unsafe work. What is the main difference between those two concepts?

Mr. Briggs: In my opinion, there is a lot of leniency in the act. OK, I have the right to refuse. Then I have to go through a procedure. I do not believe the procedure is all that good, for want of words, and it does not really work all the time. We in the industry find ourselves in conflict with management either through the courts or with the Ministry of Labour in trying to decide who was right and who was wrong. I believe that the internal responsibility system has to work in a much more direct and positive manner.

Mr. McGuigan: So it is too difficult to make your point on a refusal system, is really what you are saying.

Mr. Briggs: Put it this way, if you are looking at an internal responsibility system that would, in my opinion, work well: If the worker refused to work and the supervisor said, "Go to work," the system is now that you would call the worker's safety representative, who may, for whatever reason, either agree or disagree. For instance, in this case, let us say he agrees with the worker. The system is now that we call in the ministry and get a decision. I believe they can work much better if the particular piece of equipment or the workplace is shut down and the supervisor and the two workers--the worker who has refused and the worker representative--report to the mine superintendent. They try to come to a logical solution. If that fails, then call in the ministry. What I am trying to explain here is an extremely costly item, both to labour and to management, in dealing with this problem.

The internal responsibility system does not just focus around work refusals. You can use that as a type of example, but there are many other things you have to come to grips with. Again, I refer back to this committee. We have a mandate of discussing four items. The mining industry as a whole--and I am not sitting here criticizing the Incos or the Falconbridges or Domes--across Ontario is a small industry but it is essential to our economy. The mining barons of Ontario are still out there. Let us not get confused if we sit here with nice shirts and ties and everybody is a nice guy. They are not all nice guys.

I got involved in this committee, in fatalities, for one particular

reason: because I was concerned about the people who were dying in the industry. But as you can see by the heading, the mining industry fatalities committee, they do not give up the word "industry" lightly. It is the mining fatalities committee. Not to criticize them unjustly, it is a tough business in the mining industry. It is tough being competitive, but we have to understand that we can work safely. Mining is a hostile environment, there is not question about it, and we have to put in a lot of effort on all sides to come up with some solution on how we can prevent fatalities from happening. If we can do that, I think the internal responsibility system is going to be part of it.

Mr. Brailey: I would ask Mr. Brehaut to contribute at some point.

Mr. Brehaut: Just a view, but I do not think it is all as bad or we are all as bad as Rick makes out. In terms of the refusal, there is a procedure there. With all due respect, especially in a place like Red Lake, if you have to call an inspector in to resolve our differences, he is going to come to Thunder Bay in, I think, two days. That is going to take two days. So there is lot of self-interest in getting back to the workplace. Nobody wants the situation, so I think there is a lot of mutual trust, a lot of give and take--even though you might not agree--"OK, let's do this and let's get on with it."

But I think it is useful to have that sort of final step there so that if there is a disagreement, we do have somebody who can come in, the arbiter. I guess they have the final say in that situation. I think that is healthy, part of the checks and balances of the system, so you can leave it for people to work things out to the greatest extent possible. It depends whether Rick thinks his people have the right authority or not, but there is no doubt that workers can refuse to work. There is a procedure there that he does not have to go back into the workplace until all the steps are taken, the last one being that if there is not an agreement, the Ministry of Labour comes in and sorts it out for you. I submit that is the exception far more than the rule.

Mr. Wildman: Yes, but surely the problem is that it goes into the next shift. That worker has refused to work. When the next shift comes on, it is possible that the worker who is going to be working in that area on the next shift will go in there.

Mr. Brehaut: Yes.

Mr. Wildman: That is not right. Frankly, it is just not right.

1300

Mr. Brehaut: I do not know how you deal with that situation. What is the situation in that circumstance?

Mr. Wildman: What is being suggested is that this operation be shut down until it is acceptable to the worker representatives, not just until the next shift.

Mr. Brehaut: Our company has not been caught in that situation, so I do not know the details of that one.

Mr. Brailey: One thing we may do in our study, and I am sure it has been looked at, is certainly to look at the correlation between accidents and work refusals.

Mr. McGuigan: We are kind of thrashing around in the dark until your report comes out, because you are making a lot of assumptions and so on. Have you got a target of how quickly you can have results from your study?

Mr. Brailey: I have indicated that we do not have a fixed target at this time. It is something I am sure the committee will want to address fairly shortly. An April date has been suggested by someone; I do not know where that came up, but we do not at the moment have a fixed date.

Mr. McGuigan: But as you so eloquently pointed out, you were driving down the road in your car and heard the other report, that the committee was called together. It was put together in an emergency. There very well may be physical reasons why it cannot be done any sooner, say, a question of putting more resources in. When we have this serious situation of fatalities, can you speed it up, can you give us the results of your work?

Mr. Brailey: I would leave it to the committee to recognize the pressures upon it and come to some conclusion. As the chairman of the committee, I would want to discuss it with the committee to see what it would resolve.

Mr. Brehaut: Now that he has ducked the question, let me answer another way. We have done something very specific: that is the fail-safe system. It will be in and available for companies to learn about and have training modules on in May, or when, Mr. Coughlan?

Mr. Coughlan: June.

Mr. Brehaut: In June. It looks like it skipped a month but, anyway, we have that in place. That will be done and I am convinced it will have an impact on fatalities. It will not have an impact next year. It is a system which an individual operation will apply to different sections of its operations. It is a thorough analysis, a system you have to go through carefully. You pick the higher priorities first.

We recommended, as a committee, that they pick the hoisting shaft facilities and their ancillary services as the first focus for this, partly because we have had some good examples: Inco has looked at its shafts using the system and a lot of good ideas and suggestions have come out of this to make it safer. We believe it is something to go across the industry.

The Shannon study will probably just give us an indication of some areas we should start to think about, but it will be pointing directions as opposed to giving us any answers.

The third thing, the IRS, as you have sensed here, is going to take, I would think, a year of fighting it out and defining things. We have a concept and to take that concept into the training module means a lot of discussions and accommodation and seeing where we can go with the next step. It will contribute to the whole system, the whole safety record of the industry, not just fatalities. It will be an important thing.

On the attitudes matter, I do not know where that is going to go. I truly believe it is a factor. In any one of these studies, as you can imagine, that is probably the squishiest of them all to get a handle on. If we can come up with something by midyear in terms of what we see at the Dome operation, the idea would be then to see if we could fit it into a couple of other

operations; then there may be something we can come up with by the end of the year. If there is something there, I would pick the end of the year as a time where we might be able to see some results coming out of that.

All I am saying is that yes, there is an urgency, but given the complexity of the problem here, we have not identified any ready answers except for the fail-safe.

Mr. McGuigan: I detect from Mr. Briggs's answers that ideology may be at work here.

Mr. Briggs: No.

Mr. McGuigan: It certainly comes across to me. I wonder if the mines people have ever tested or know of other industrial situations where you give that authority to the worker, a direct authority to shut it down, whether or not people do this frivolously. Personally I doubt that they would shut it down frivolously, and it might work. I wonder if it has ever been tested.

Mr. Brehaut: We see it with the employee. The employee has that right, and I would submit that there have been some frivolous examples, but I again would submit that there have probably been very few percentage-wise.

When we get into the worker inspector, we are in another level, and I guess there is a bit of fear. Speaking openly and honestly here, I see and sense in the people at the operations that deal with this that they are not too sure to what extent it is going to be used for union purposes versus employee purposes, because there is always the incidence where you sit back and say, "Is there some other reason for this?" We can give examples.

Mr. Wildman: Surely one of the arguments on the very issue of work refusals used by the Canadian Manufacturers' Association, as well as the Ontario Mining Association, at the time the Occupational Health and Safety Act was brought before the House was the concern they had that it might be used frivolously. As you have indicated, that has not been borne out. A very small minority of work refusals related to somebody just having some agenda other than safety.

Mr. Brehaut: I think it would be interesting--I do not know the answer--to survey. I would imagine that most mine operations have worker inspectors.

Mr. Pakalnis: Presently there are six operations that have worker inspectors that have been negotiated by the companies and unions involved.

Interjection: Paid by the companies.

Mr. Pakalnis: Paid by the companies.

Mr. Chairman: Out of how many?

Mr. Pakalnis: There are 26 major companies.

On the question of work refusals, just to straighten out the record in terms of what happens, during the investigation and before the decision is made whether in fact there is a bona fide hazard that would require closing down that workplace, subsection 23(11) indicates, "Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate

the equipment, machine, device or thing...which is being investigated unless the worker to be so assigned has been advised of the refusal by another worker" and the reason given.

Mr. McGuigan: So a second person could not go in blind.

Mr. Pakalnis: That is correct.

Mr. Wildman: Deaf and dumb, maybe.

Mr. Brailey: I reiterate that maybe we should take a very close look at the correlation between work refusals and accidents.

Mr. Chairman: How do you mean that? Do you mean whether an accident followed a work refusal or preceded one?

Mr. Brailey: Any form of connection between the two.

Mr. Wildman: That is, if there had been a refusal in a particular work site and then subsequently an accident occurred.

Mr. Brailey: That would be a straightforward case. I do not think we have done such a correlation, actually.

Mr. Brehaut: I would guess, though, that we would not find much from it. I suspect you would probably even find zero. What would be interesting to me and the committee--I do know whom we would look at to do this--is to survey the companies that have worker representatives and get a feel for the practices that do exist. Again, I would think the worker representative has a lot of power on the site at some companies. If one company has a problem, that is its problem. Again, I do not want to get tarred with Rick and his experiences with his company and have the rest of the industry think that is the way we treat our worker reps.

Mr. Chairman: Perhaps you would explain to members of the committee what a worker representative is, because I think most members know there are joint health and safety committees in the workplace, but we are talking about something different here, are we not?

1310

Mr. Brailey: As it exists at Elliot Lake, Inco and some of the other operations, as Vic has said, it is a situation where the person, who is put on full-time, is chosen by the union, paid by the company and facilities and resources are supplied to him. He has a mandate to in fact inspect the workplace.

Mr. Chairman: And does he have the authority to say, "Shut her down"?

Mr. Brailey: In most cases I believe he is given that authority.

Mr. Chairman: That is negotiated, is it?

Mr. Brailey: I believe he is given that authority. It is mandated by the agreement between the company and the union.

Interjection.

Mr. Brailey: I am not aware personally. I have little experience with the worker inspectors.

Mr. Chairman: What is the relationship between the worker inspector and the joint health and safety committee?

Mr. Brailey: That, again, I--

Mr. Chairman: Would they be doing an end run around it?

Mr. Pakalnis: That again depends on the company. It depends on the relationship that the company and the union have decided on. In some cases they are completely independent. In other cases the worker inspector is essentially an arm of the health and safety committee, sort of the enforcement arm of the health and safety committee. So it depends on the arrangement that was made at each site.

Certainly the fact that the workers and the company onsite have agreed to it gives that worker inspector credibility and authority that he would not otherwise have, and that is quite healthy. The experience varies. At least from what we have heard from the companies that do have them, it varies. On the whole, they are successful in terms of identifying hazards and having someone who is perceived as more on side with the workers versus on side with management.

All mining companies in the province have a safety department of one sort or another. Conventionally, you would have some safety officer who would do a lot of what this worker inspector is doing now, without perhaps some of the powers. The shift, as I see it happening, is that the worker inspectors are more identified with the workers and they have some more credibility in terms of trying to correct a situation. Where the friction happens is where there is an infraction that is detected by that worker inspector. He has a dilemma. Does he turn in that worker? That is a dilemma, and that has to be worked out almost on an individual basis.

Mr. Wildman: In Elliot Lake initially, when they first started, I was told by some individual worker inspectors that they found themselves in a position of having to enforce regulations against individual miners when they did not anticipate that that was what they were going to be doing. They did not enjoy that situation, obviously.

Mr. McGuigan: Safety is the critical point.

Mr. Wildman: They did not anticipate that that was what they were going to be doing.

Mr. Briggs: I just want to make one point clear. I did not want to get into a debate, nor do I want to get into a debate with industry over worker inspectors, but I want to clear up one point here that I think the members of the committee should be aware of. They have placed a great amount of emphasis here on the fact that the worker inspector is paid for by industry and he is selected by the union and so on and so forth. Well, I can tell you, I have been there, and you do not get anything for free from the industry unless you bargain for it, and when you bargain for it, it costs money.

Mr. Chairman: So you give up something to get it?

Mr. Briggs: It comes out of your hip pockets. I could put that change in my jeans if I did not have to bargain for a worker inspector.

Mr. Miller: It puts the full responsibility on to his shoulders, whoever takes on that position--

Mr. Briggs: There is no question about the responsibility. I think workers--

Mr. Miller: I think the bottom line is that they want to carry it out.

Mr. Briggs: My organization alone has spent over \$87,000 to 1987 in occupational health and safety. We have 10 safety chairmen, and I believe there is not one of them who would not be prepared to accept the responsibility and face the music as it comes and do an appropriate job.

Mr. Chairman: What is the size of your union now, Rick?

Mr. Briggs: It is 1,600 members.

Mr. Miller: When I read over that story on the four who were killed, it appeared something was not carried out properly.

Mr. Wildman: Inco.

Mr. Chairman: That was at Inco.

Mr. Miller: At Inco, yes. It seemed very clear when I read the article in last week's paper. Somebody did not carry out that function and consequently somebody's life was at stake. It is not only management.

Mr. Chairman: I think you may be making a link here that is not appropriate, though.

Mr. Briggs: If I can give the committee an insight into something that may be beneficial for the committee and the members to look at, I think that in regard to the inquest that was carried out in the mining death of Mr. Council in Marathon--the accident happened at Teck-Corona--it might be very interesting if you would read the transcript of it. I think you can draw your own conclusions.

Mr. Miller: There is just one thing. I do not want to make a supposition but as a farmer myself, I understand that if you do not protect yourself, then you have to suffer the consequences. I have worked hard, too. I have worked in dangerous places also but not in mines. I would not want to be a miner, but I was a farmer.

Mr. McGuigan: You had a bull on the end of a ring.

Mr. Miller: Damned right. If you have a bull chasing you and going wild on you, you have to protect yourself.

Mr. Chairman: We have to bring this to a conclusion. Mr. Brailey, do you want to--

Mr. Brailey: I would like to thank your committee for listening to our brief. I would like to reiterate that we are prepared to provide a

sounding board for your information, and I would like to comment that what is happening right now is we are starting to go down the avenue of looking at one particular aspect in the debate. This is not a comfortable committee. We come from different aspects and we debate all the time. We do not always go away with exactly the same view, but that is healthy. That is the way changes are made. Thank you.

Mr. Chairman: Thank you and your colleagues for coming to the committee and being helpful to us. We really do look forward to and hope that you will share information with us as time goes on rather than waiting until the very end of all your studies. We would appreciate that very much.

The committee recessed at 1:18 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT .

MINING SAFETY

WEDNESDAY, JANUARY 27, 1988 .

Afternoon Sitting



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Farnan, Michael (Cambridge NDP) for Mrs. Grier

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witness:

From Smith, Auld and Associates Ltd.:

Smith, Ronald C., Consultant on Mining Issues

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, January 27, 1988

The committee met at 2:20 p.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: The standing committee on resources development will come to order as we continue our look at accidents and fatalities in Ontario mines. This afternoon we have Ron Smith with us. He is a consultant on mining issues and did a great deal of work--I do not know what his exact title was--on the Burkett commission with Kevin Burkett. He knows a bit about mining and safety in mines. Mr. Smith, thank you very much for agreeing to come before the committee. We appreciate your presence here.

SMITH, AULD AND ASSOCIATES LTD.

Mr. Smith: If you like, I will make a very brief statement for the members of the committee just to clarify things. I was the executive director of the joint federal-provincial inquiry into safety in mines. As you know, it was a joint committee because we dealt both with federal matters--as a result of the uranium mines being in Ontario--and provincial matters relating to all other mines. There is a portion in here relating to the regulatory aspects in the Elliot Lake mines as well as other parts of the province.

As I expressed to the chairman, I am not an engineer and neither was Mr. Burkett. Our backgrounds tended to be in the whole relationship area. Mr. Burkett is a conciliator. I have always done consulting in the area of relationships. We did have a technical staff relating to mining and the mining industry. We had a representative on the joint federal-provincial inquiry from labour, specifically Local 6500 of the United Steelworkers of America, and we also had a representative from the industry, Peter Riffin, who was from Noranda Inc. We felt prepared to answer technical questions.

The very thrust of the document tends not to be technical, although we do mention three specific areas: rock control, lighting--I am trying to remember what the other one was now, but those two, anyway--that you might consider to be technical aspects of mining and areas where we believe there was not sufficient attention paid in the past. The other parts of the document, though, tend to focus on the roles or relationship issue.

When we started the inquiry, and even when we looked at the act, we were concerned because there seemed to be a lot of confusion about who should be doing what, what the role of a health and safety committee is, what the role of a supervisor is and what the role of the chief executive officer is. That is why in the document itself and in the very structure of the document we try to set out appropriate relationships between what was considered to be the direct responsibility system and the contributive responsibility system. That is why the document is structured where it is. If you want to ask any questions around that, I would be pleased to answer them.

As the document suggests, we also felt that not only were the players at the mine site uncertain about their role, the government inspector was

uncertain and the Mines Accident Prevention Association of Ontario was uncertain about its role. We try to clarify it in this document. That was the primary thrust.

I have also brought along a couple of other documents. If you have not got some of the background material that our commission had, I would be pleased to present that. Just to give you an example, I have the correspondence from Dr. Mikalachki from the University of Western Ontario. He prepared for us some conclusions relating to the motivation of a worker, particularly in a setting like a mine setting, and the actual implications to mine safety. I have got documents like that and I still have a library of them. If there is something that you need, I would be pleased to provide it.

I might make one other comment. When we, as laypeople, approached it, we just accepted the work environment to be as it had been defined in the act. What we found was that there is a clear difference between the dynamic environment associated with the mining industry and what I call the static environment associated with most manufacturing operations where there are four walls, there are appropriate places for supervision, there are appropriate places for workers to go to the same lathe every day and they become quite familiar with that workplace.

The mining environment is constantly changing, and that is why I call it a dynamic environment. That underpins many of the recommendations we made in here relating to workplace inspection by supervisors, the idea of providing additional support staff--through the workforce itself, actually--to supervision to make regular visits with the workers, the idea of having a close working relationship between the engineering side of the mining operation and the supervisor, who then could be alerting the men to any changes that had occurred overnight, for instance, in the mining conditions which are constantly being monitored.

That is the underlying thrust here. It is a dynamic environment and that has to be taken into consideration. Thank you. That is all I have to say.

Mr. Chairman: I have a couple of questions. I am sure other members will as well. One has to do with the degree of happiness you feel about the acceptance of your recommendations in the Burkett commission. Do you feel there has been a good, ready and co-operative, if not eager, acceptance of your recommendations?

Mr. Smith: I have to confess that I have not closely monitored them. There are some that I am aware of. Because of some work I related to you that I undertook last year relating to the education authority of the Workers' Compensation Board and looking at the whole role of the agencies in employee or safety education, I came in contact with the Mines Accident Prevention Association of Ontario. I found that in many settings a lot of the comments that we have made about joint activity seem to be taking root.

In some cases at the work site, this tends to be driven by individual mining companies. It was not apparent at the association, but it was apparent at many work sites. I also had a lot of consultation with the workers' centre, which is associated with the Ontario Federation of Labour. Again, it seems that the workers' centre, which is in the worker training business--really, the supervisory training business--and also funded through the education authority, was doing a lot with certain mining companies, Inco being one of them, where they actually work with the company and the company provides time to some of the workforce to develop the modular courses which are being used by the centre.

We were encouraged by that. At the same time, immediately after releasing the report, we got tremendous resistance from both sides to certain recommendations. One that becomes apparent to me is the recommendation that we made about separating the worker-inspector from the political side of the union. The key issue there really is numbers. There just are not enough volunteers, as was presented to us, to really implement that recommendation. Often you will have stewards who are also safety supervisors or safety inspectors for the unions. We were concerned about politicizing safety. That was at the heart of our recommendations because we saw evidence in the submissions that were made to us by both sides, and it was clearly discussed.

Mr. Chairman: The possibility that a safety inspector could have an agenda that was related to other factors as well as safety, such as union negotiating and all that kind of stuff, was raised today as well.

Mr. Smith: It provides an avenue for continuing bargaining.

Mr. Chairman: That is why you wanted the separate worker-inspector.

Mr. Smith: Yes. If for some reason there was something that a particular supervisor had won a grievance on--I am using this just as an example; this is hypothesis--but the workforce was still upset about that, it they could try to continue that debate through the safety process. We are trying to sever that relationship. Again, as the union said to us, it just does not have enough volunteers to be able to spread it around.

Mr. Chairman: What about the whole question of the internal responsibility system, which depends upon a joint acceptance of responsibility? First, do you feel that is the only answer and, second, do you have enough information about whether it is working?

1430

Mr. Smith: It is obviously not the only answer. Again, I come back to this dynamic environment that we discussed earlier. Given those conditions and given the number of work sites that are actually constantly in operation, it was our feeling that the internal responsibility system, with an assumption particularly of responsibilities at the senior level of management and then passing those down through the supervisors, who were constantly available to overview those sites, and then, if you like, a monitoring process by the safety department, by the safety committee and then by worker-inspectors, should be effective. It also requires the inspectorate of the ministry to be vigilant in looking at the system to see whether the system is working.

I do not know what has happened since we had our inquiry. We certainly felt at the time that the ministry staff was not well equipped to perform that role. They tend to be engineering oriented. We did not think they could deal with human relations, which are fundamental to the internal responsibility system. That is why we were encouraging training in that area and some specific development work being done with the inspectorate.

If you do not mind my using a specific name, there is a gentleman in the Ministry of Labour, Cliff Basken, who has done a tremendous job in other settings because of his understanding of relationships. He has tended to go in when things have got to a crisis proportion.

Mr. Chairman: What is his name? Basken?

Mr. Smith: Cliff Basken. He has tended to work with both sides, both management and labour, and he has done much to improve the relationships, which then has led to improved safety conditions. We were trying to encourage an extension of that activity.

Mr. Chairman: I have a question that is unrelated to that. It has to do with the bonus system. I notice you smile when I say that. It is a very contentious issue among trade unions, and employers as well.

Your recommendation, as I read Burkett, is that it should not be an individualized bonus; it should be a larger group bonus. We have heard from the industry that it may sound all right, but a lot of groups in the mining industry are two people. It is the nature of the work, like two men working in a stope, that kind of thing.

Mr. Smith: Yes.

Mr. Chairman: I wonder whether or not you have some thoughts on that, and also the whole matter of why you made that recommendation when people keep telling us there is no evidence of a link between safety and bonus, even though a lot of us look at it, shake our heads and say, "Why would there not be?" How did your commission come to that conclusion?

Mr. Smith: Let me interpret the recommendation first. I do not think we selected on behalf of an individual or a group. We really selected on the basis of elimination, neither group nor individual; let us go with a salary system, which was in place in such mines as Texasgulf, without an incentive system.

We had, not through the regular hearing process, separate meetings with the supervisory staff in many of the mines. We had discussions around the bonus system and its implications. Our conclusion was that for the experienced miner, the bonus system probably was not impeding his safety performance or his contribution to safety in the workplace.

He had, if you like, found techniques that were safe to be able to raise his production level, but we were concerned, because of training and because of the immaturity of some of the players coming in who were maybe strongly motivated strictly by the incentive, that they would cut corners that would possibly affect the safety of co-workers.

What we were really trying to encourage the industry to do, which we did not have time to do in our inquiry, was to look extensively at that issue and to monitor it closely. I do not know whether they have done that since our inquiry, but we were quite firm in that the initiative should be undertaken. We were also concerned that the association had not taken the initiative in the past when it had been raised.

I must also say that in our discussions with the unions we had a lot of negative reaction to that recommendation. They might say they want to eliminate the bonus, but off the record, it is the membership that wants it. So it is a very sensitive issue.

Mr. Chairman: I know it is. I have had my fingers rapped already.

Mr. Smith: We said, "Somebody has to put it out, though."

Mr. Wiseman: By the workers?

Mr. Chairman: Yes, by the workers. I expressed some concern about the bonus system publicly and had some very unhappy people phoning me up. But that is fair. I am not complaining about that. What I was trying to get at was how you came to the conclusion that it should be eliminated. Was it a gut feeling?

Mr. Smith: I mentioned Dr. Mikalachki, for example. He comments on it here. He basically suggests that it does not necessarily result in accidents. However, he said it could. Given the conditions and the environment those workers are working in, it could lead to practices that are unsafe. I guess our real conclusion was that it should be looked at in more detail than we could offer in our inquiry.

Certainly, in discussions afterward, we were encouraging a joint investigation. We were really hoping that, possibly through the Mines Accident Prevention Association, the United Steelworkers of America and maybe the Confederation of Nation Trade Unions, there could be a joint investigation of it. It is a matter that those two parties did not really need to have the government involved in that investigation but they would look at it closer.

We had no more than speculation, if you like, that it could potentially lead to some fatalities, particularly on issues like rock bolting. If you put in a 12-foot bolt, it takes longer than putting in a six-foot bolt. Somebody has to monitor that very closely.

Mr. Chairman: To my knowledge there has been no followup on that issue at all.

Mr. Wiseman: Don't forget, the Workers' Compensation Board will have those figures.

Mr. Chairman: Did we pose that question?

Mr. Wildman: We asked them if they had figures that would show any relationship between the bonus and accidents and they said, "No."

Mrs. Marland: Possibly the answer to that question was that they do not have any figures because either it has not been studied or it has not been studied very closely.

Mr. Smith, you referred to changes in the mining operations overnight and who analyses the changes in the mining operations overnight. It may be the engineers, and they do not communicate with the supervisors.

In the first part, did you mean, literally, changes in that mine operation overnight or conceptually the changes in mining operations, using "overnight" in the vernacular?

Mr. Smith: I was being specific to that mining facility.

Mrs. Marland: Between yesterday and today.

Mr. Smith: The observation we made is that in the past, when you had a basically manual mining process, the men became more familiar with the working environment. I use "men" because that is what we have underground. There are no women there.

Mrs. Marland: That is all right. I am not hyper about it at all.

Mr. Smith: They became familiar with their workplace. They worked from the sounds, they could hear the creaks and groans of the earth. They knew who was working where. They knew the machinery. As it has become more mechanized, though, and people moved quickly from one workplace to another, from one stope to another, I think some of the sense of the work environment has changed. At least, that was our observation. So it became very important to increase the communications between those who were making decisions about mining this stope versus that stope, who were assessing the ore quality in an area, because they had gone in, they had taken core samples, they had taken them up to geology, they had done an analysis and they had made a decision: Tomorrow we are going to go on this face rather than where we are now.

Things are happening more, you are moving more muck at any one time in many of these environments and, therefore, there had to be this kind of communication.

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Mrs. Marland: So, literally overnight, the change in a mining operation is more related to an ore sampling that has identified this is the direction to go because that is a richer ore body and one should spend less time on this stope and maybe create a new stope and go in that direction because it has been analysed from a test of the ore body overnight.

Is it that more often or is it that overnight the actual physical conditions in that raise and in that stope can change?

Mr. Smith: Let me say that technically, as a group we probably could not answer that question. We do not know specifically to what extent it does change. We must remember that when we started, what had happened, if you will remember, was that there was a major fall at the Denison site and three workers were killed there. The whole roof came down on a particular stope. People had been going in and out of that stope over a period of a week or so and nobody had noticed anything different, but obviously things were changing. In the inquiry, it was evident that with proper monitoring, there was a chance that would be detected.

In a large mining operation like that, the blasts are set during the day, and then when the workers leave the mine site, the blast goes off when everyone is on the surface. So there is some disruption to the whole workplace every night. With blasting going on every evening, our conclusion was that could possibly change the conditions and lead to falls.

If you are in a mechanized situation where you are driving along on trackless vehicles, you have jumbos to do all your drilling rather than a single unit, the noise level is such that the men often cannot even hear, and there are not communications back and forth. That is why we made that recommendation.

Mrs. Marland: That is very interesting in itself because at one time, before there was the amount of mechanism that there is today--I am only going on what I have learned in the last two weeks--there was what you said about the interpretation of sounds being very relative to safety. Now I presume we are in a highly mechanized mode in some operations where there is a requirement for them to wear ear protection, I would guess.

Mr. Smith: Yes.

Mrs. Marland: Now there is ear protection against the sounds of the mechanism, but they lose some other protection, some of which you just described so well, that it is almost instinctive with a worker who is underground all the time. I am sure with experience they can interpret and sense, through the interpretation of sound, very accurately what might be happening behind them or around them in the ground.

Mr. Smith: That was certainly the impression we had as we talked to workers and to supervisors.

Mrs. Marland: I am sure, and is that not a fascinating aspect to really consider? There is a forfeiture of one area of safety in order to have the other, which is the ear protection.

In the majority of mining operations, is it strictly a daytime shift as you have just described, and if blasting is necessary, the blasting is done at night, or are there some mining operations that run 24-hour shifts?

Mr. Smith: Most would run 24-hour shifts, but it is my understanding--and, again, I would have to refresh my mind on this--that two shifts, morning and afternoon shifts, are doing most of the drilling, preparing the next charge, mucking, hauling and all those sorts of activities. The third shift may not necessarily work in that same area where the blasting is going to take place. The blasting activity actually lasts for a very short period of time. If everything has been set, they go to the surface. While you have a shift change, you could actually do the blasting.

Mrs. Marland: I have not even thought about the blasting, but now that you have mentioned it, it begs the question that I probably should have asked the safety people. Is there a basic requirement that the entire mine is emptied or just the raise emptied when they are doing blasting? Is blasting very localized? It is remotely controlled from the surface. I can understand that very easily. But is blasting set in such a way that it is very localized and therefore the area of risk is also very limited?

Mr. Smith: I think you would have to go back to the industry and ask them. If you are going out on investigations, I would ask that question.

Mrs. Marland: In fairness, I will ask a technical person.

To get back to your point about the importance of human relations with the internal operations, from your investigation there was not a set formula for how the human relations were achieved between the engineering side and the technical side, the supervisor with those workers versus the engineer who designed how the operation would proceed. There is not a formalized--

Mr. Smith: No.

Mrs. Marland: So when the engineers come in and do the ore analysis and decide, "This stope will be established here," there is no kind of meeting of those two minds as to, "This is where the stope should be," and then the practical side of the supervisor saying, "Yes, but in spite of that, this stope location might be difficult."

Mr. Smith: In the superior performing mines, we found that relationship tended to exist between the supervisor and the workforce.

Mrs. Marland: Oh, I see.

Mr. Smith: The supervisor would often be in consultation with the men who were actually doing the job, saying, "This is the approach we should take to this mining situation."

Mrs. Marland: Based on experience, of course.

Mr. Smith: Based on experience. It was the supervisor's role to ensure they had the right equipment to do that job. If it required certain lengths of rock bolts or if it required certain compressor machines or whatever, there was that relationship. We were expecting that to be translated to other mining settings.

Mrs. Marland: When the union represents the interests of the workers in discussing the difference between a mechanized operation, which may in the long run be a lot of help to the worker because maybe more workers are working on machinery, driving machinery and supervising machinery, and the time when they would be physically doing the hard labour themselves, are those union people placed in a position where they negotiate the safety of the mechanized operation versus the physical demands of a nonmechanized operation? Are they ever in a position where they are able to say on behalf of their workers, "We know the worker would prefer to be doing this physically more challenging job than the mechanized operation and have greater risk"?

Mr. Smith: When you use the term "union," I assume from your comment you are talking in a general sense. Of course, because of the democracy associated with unions, they tend to work more on a localized basis, so that tends to be a local issue. One would hope that the local union, whatever local number it might be, would negotiate on that basis but I have no guarantee that they do. So even though we might talk about the United Steelworkers, it is not the office over on Lombard Street that is doing the negotiations; it is Local 6500 with Inco or it is--

Mrs. Marland: At that local site.

Mr. Smith: At that local site; that is right.

Mrs. Marland: Were you here this morning?

Mr. Smith: No.

Mrs. Marland: From our agenda, I did not realize who you were. It says "consultant, mining issues." I am really interested now that I realize you are behind the recommendations we have discussed quite a bit.

This morning we had discussions with the executive director of the Mines Accident Prevention Association of Ontario and also Bob Brailey. I was particularly interested in the fact that the recommendation from the Burkett commission was to separate the Ontario Mining Association and MAPAO. One of the thrusts behind the recommendation for that separation was that MAPAO's basic shortcoming was that it did not present itself as an independent force within the industry. It goes on to support the recommendation by saying that in order to achieve that, there should be a move to include representatives of labour and the public on its board of directors.

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I am sure, as an author of those recommendations, you must be disappointed to note that six years later--although for some time I understand

there were labour representatives--part of that recommendation has not been achieved at all; namely, that of having the public sit on that board. The discussion we had this morning indicated it would be difficult to get public representatives who were as knowledgeable as those people within the industry itself.

In fairness to Mr. Coughlan and Mr. Brailey, tell me if I am misphrasing what they said this morning, Mr. Chairman, but I felt they were asking what the point of having public input would be just for the sake of tokenism, if it was not somebody with knowledge, and they wondered who you are going to get with knowledge outside of the industry. My feeling was that you had a reason for suggesting the public be on the board of directors. Who did you perceive as public?

Mr. Smith: There are a number of knowledgeable people in the broad public now.

Mr. Chairman: Present company excepted, of course.

Mr. Smith: That is true, including myself. There are people who obviously have been associated with the industry, who are no longer either with union representation or with management representation. There are local members of the public who, for a variety of reasons, have a lot of interest in having the industry succeed. They might be associated with local government or with the local university, just by way of example.

There are academics we hired during our inquiry who are extremely knowledgeable about accidents, about safety, about interpersonal relations, about technical matters relating to mining, who could be put on the board of directors. Queen's University has people, McGill University has people, McMaster has people who all could be potentially selected or approached about sitting on a board of directors. It is not an onerous task. It is probably one that would be welcomed. Their advice and input could be valuable. That is what we were really thinking of.

Mr. Chairman: What you are getting at--I do not want to embarrass Mr. Smith; I was kidding when I said, "Present company excepted"--is that there are people out there like Mr. Smith who have an interest, they have not got an axe to grind in supporting management or labour, who really do have a very sincere interest in the whole issue, and are not being asked to sit on the board.

Mrs. Marland: I am not in a position to criticize the existing board, nor would I want to, because I have only just been introduced to it.

Mr. Farnan: Give her time.

Mr. Chairman: I thought after this morning that you were convinced.

Mrs. Marland: Maybe a year from now, when I have a little more knowledge on the subject.

The board of directors of the association has a good record of what it is doing. I am not in a position to even challenge the record, because this is a totally new arena, probably for the majority of this committee. I am not going to say the board is not fulfilling its mandate and that the association is not working. Obviously, there is a result of the association's work, and the funding from the Workers' Compensation Board, which in turn has come from

industry itself in the first place. I see there are good results. How long did your commission sit, by the way?

Mr. Smith: We worked for approximately nine months.

Mrs. Marland: When you have a commission sit nine months and it comes out with recommendations, I think there are always very good reasons for the recommendations. I felt a little disappointed in the answer this morning, and that is what I said to them, that the credibility of the board really would have been enhanced if, in a period of six years, they could have had the public sit on it, as was recommended. Even if it was someone from the outside who had good logic, sometimes that is a very good thing. They can separate the wood from the trees.

Is it disappointing to you that in six years neither labour nor public representatives today sit on that board? Do not answer if you do not want to.

Mr. Smith: I have been involved in a number of inquiries and I know that the implementation of recommendations, in total, is often slow. I am pleased to see, for instance, the severance of the OMA-MAPAO relationship. As I said to you earlier, I worked last summer on the whole question of the role of the associations in, say, the training, and the issue of labour's involvement came up quite frequently.

Culturally, the mining industry has been characterized by an adversarial environment which has meant that labour and management have not worked together that closely. On the other hand, the construction industry, which has also been characterized by an adversarial environment, has traditionally, over the years, worked very closely together with labour. As I explained to the chairman, that is primarily because of the labour halls, the hiring practices happening through that process, labour being involved indirectly in education, so there has been a very close relationship there.

I think these matters take time sometimes. I also think, in the case of the labour-management relations in mining, the introduction of the workers' centre has provided another avenue, if you like, for labour to become involved in some of the safety training matters. They have tended to take the mining industry as one of the industries that they want specifically to develop modules around.

As a result of that, it may have truncated any efforts that they made to try and get together. It does not mean that they will not in the future. Certainly, out of the recommendations we made last summer, we would like to see more joint activity between the MAPAO and the workers' centre. It does not mean that labour necessarily has to be on the MAPAO board, but they could undertake joint projects.

So, no, I am not disappointed. I know these things take time.

Mrs. Marland: My final question is, do you think it might be a realistic recommendation for this committee to request a study on the subject of the relationship between how workers are paid and their productivity?

Mr. Smith: Certainly, if you came to the same conclusions that we did, I think it would probably merit that.

Mrs. Marland: Then, of course, as it relates to accidents, I mean.

Mr. Smith: Yes, if you come to the same conclusions. If you come to different conclusions, no, I would not expect you to make the same recommendations.

Ms. Collins: My question was really the same as Mrs. Marland's, in regard to the role of the accident prevention association. Is it set up the same way in Ontario as it is in other provinces? Were you able to compare this organization to others in the country?

Mr. Smith: No, I could not say that we did. We did compare statistics against other jurisdictions, and I must say Ontario looked quite good. Even though we are critical of the numbers, the fatalities and the lost-time accidents, the statistics in Ontario are quite favourable compared to many jurisdictions.

Ms. Collins: In regard to the association itself, was the only recommendation you made in your report that it be separated from the Ontario Mining Association?

Mr. Smith: No. There was a recommendation that we discussed here about membership on the board. We also took a fairly aggressive position in relation to the actual research that the association did. One of our criticisms of the association is that it tended to focus on statistics. It turned over the numbers again and again. These are basically numbers given by the WCB.

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What we felt they failed to do was to interpret those numbers or to interpret the problems associated with accidents or fatalities and take a critical look at those, issues like lighting, issues like the bonus, issues like rock control. These are all matters which they independently, if they had independence, could have researched and could have come forward with a report on. They could have gone outside and got independent thinking on it, they could have looked at the whole question of motivation, for instance, and they could have brought these forward to the membership. While they have no regulatory powers, they could certainly advise industry and then industry could implement if it chose to.

If you remember in the report, we also gave a policing function to them, primarily around monitoring performance using the five-star program. We recommended that those results be published locally so that the citizens of the community basically knew how their prime employer was performing. We would have liked to see them carry out that recommendation and, using that same process, then carry on an audit function.

Mr. Wildman: They said that was inappropriate.

Mr. Smith: I do not think it is inappropriate.

Ms. Collins: Just to get back to some of the research they perhaps should be doing, there were a number of areas in the brief they read out, as well as an appendix to their brief, where they felt they had no jurisdiction or they were unable to do certain things because legally they could not do them or whatever. It seemed to me anyway that they were very narrow in their scope. I am wondering if you identified the board problem as the only barrier in terms of research or do you find the fact they are funded by employers' contributions to workers' compensation a problem in their exercising their role in that area.

Mr. Smith: Given my experience last summer in reviewing a number of safety associations, the Industrial Accident Prevention Association, which is one this government has been critical of in the past, the Construction Safety Association of Ontario, the electrical utilities association, the Farm Safety Association, I just find that really there are very few barriers if they want to do something. A number of them have taken a fresh look at their activities, the kind of research they are carrying on, the utilization of their budget, and are doing a lot of independent research now. I just think the MAPAO could do the same.

Mr. Wildman: Have you any knowledge of the Ontario Federation of Labour training program?

Mr. Smith: Yes.

Mr. Wildman: How would you compare it with the work done by the MAPAO?

Mr. Smith: I think the OFL program is very good. At first, I think it tended to exhibit a certain bias, but as I understand it, in recent times--and I was chatting with the people on Eglinton Avenue about this--they have modified it as they have come closer to working jointly with the mining companies. They tend to do it with specific mining companies. They have done it with Ford in the Ford plants. They have tried to tailor it more to the particular setting. In general, the modules are very good.

I think the other thing that is really quite beneficial is that there is a lot of commitment on the part of the people who deliver the program. They are volunteers, and with that commitment and their knowledge of the workplace, they tend to work very closely with the people they are delivering the program to.

Let me just make one other comment if I can. I also feel from that experience that the worker centre--and they concur with this; as a matter of fact, they were the ones who suggested it--has tremendous levers which the MAPAO does not have. I do not know how many locals there are in this province, but every one of them is a salesman on their behalf. Through the bargaining process, every local can say to a company, "We are not going to sign this agreement unless you agree to implement the worker centre safe training program." The MAPAO does not have that lever, so they have to do it through persuasion.

Mr. Wildman: The reason I ask the question is that it has some bearing on the recommendation of the Burkett commission that labour as well as the public be involved on the board of the accident prevention association, in that labour has basically said to the Occupational Health and Safety Education Authority of the WCB that it believes it should get a much greater share of the moneys available from the WCB for safety training than it is currently getting, because it does not think the accident prevention association training programs are adequate.

The attitude of the accident prevention association towards that request from labour is at least partially the reason for the fact that labour is unwilling to co-operate and be involved with the accident prevention association.

Mr. Smith: I do not know whether that is the reason.

Mr. Wildman: In effect, the accident prevention association indicated at the time of those kinds of requests that it felt it would be duplication and it would not be appropriate to be funding the OFL program at a higher level. Obviously, labour did not take well to that attitude, particularly when it thinks its programs are more effective than the accident prevention association programs.

Mr. Smith: I am not trying to make excuses. I just do not know what the question is. You have made a statement, but I do not know what the question is.

Mr. Wildman: I am leading to the question. The question is, how do you deal with the fact that labour believes--it is not just related to the Mines Accident Prevention Association of Ontario but also to the Industrial Accident Prevention Association and so on--the associations' programs are not adequate and that they can be delivered better by labour directly to its own membership, so it would prefer to have a separate program? How do you deal with that when you are trying to suggest to the accident prevention association that it should involve labour?

Mr. Smith: Remember, we are looking at two different time horizons. When we made our recommendations, there was no worker centre. We are of the belief that probably if the MAPAO had taken the initiative and brought labour into the educational activity, there may never have been a worker centre. It was nice that the initiative was taken by the Ontario Federation of Labour to form that body. Let me just backtrack. We think that probably is a reflection on the inactivity of the various organizations.

Given the changed condition, as I was saying to Mrs. Marland, it may not necessarily be desirable now to have them on the board. It may be better to have joint training activities. It may be that, indeed, the worker centre does have better avenues to encourage the actual training process, and I would suggest that probably some accommodation has to be made by the worker centre, just as much as the MAPAO, to ensure that the joint activity is undertaken.

My concern is that it be joint. In other words, if you just have the worker centre and it is just dealing with the workers, that is really going to be inadequate. As we are trying to express in this process, there is a continuum from the chief executive right through to the supervisors and we would want to see the supervisors involved in that training activity joint undertaking. Whether it be rock control, lighting or whatever, it should be joint. So if it means MAPAO has to bring in the management side and the worker centre could bring in the labour side, I would encourage that. But there may have to be some accommodation by the two sides to do that.

Mr. Wildman: One side is getting a great deal more funding than the other from the WCB. Obviously, they would argue that is management's money anyway.

Mr. Smith: But if it means that some of the MAPAO money has to be directed towards the joint training effort, that would not matter to me. It is all coming out of one big bundle. Whether it goes through the worker centre account or whether a certain portion of the MAPAO budget is directed over to that joint activity where they are seen to work together, I would encourage that.

Mr. Wildman: OK. I would like to move to a couple of other things. We have found through our discussion so far that the accident rate among contractors, the people who construct the mines, sink the shafts and so on, is about three or more times as high as it is in the production end of the industry. Did your commission look specifically at the problems related to contractors and the additional hazards faced in that part of the industry, whether it be diamond drilling or actually sinking shafts, and make recommendations specifically related to that or not?

Mr. Smith: Yes, we did, and I am just trying to put my finger on it. If you do not mind, I will just have a quick glance at it here.

We also had the same finding that you did, by the way, and we put the burden back on the industry. We recognized that the contractors tended to have incentive bonuses built into the contracts which encouraged them to get the work done promptly, and that may actually encourage them to have their workers work more quickly. I am just trying to find it; I will take a moment and try to find what we specifically said.

On page 152 of our document--I think that is where the recommendations tend to be consolidated--we said, for instance:

"That whenever a contractor is engaged, the company meet with the contractor before commencement of the project to stipulate the safety requirements which must be met if the contractor is to be permitted to commence or continue the project; that the project be rigorously inspected by the company to ensure compliance with these requirements; that a mining company give preference in the awarding of contracts to contractors who have demonstrated satisfactory safety performance."

In other words, we were putting the burden back on the company. If you are going to engage this company to do the work for you, you have to set out your safety requirements, that contractor has to meet those safety requirements, you have to police that, and you should not be hiring them if they have a bad record.

Mr. Wildman: How would you understand the companies to find out whether or not a particular contractor who is tendering for the job has a bad safety record in the past?

Mr. Smith: That information is all available through the Workers' Compensation Board. You would get the same data. They have the same fatality records, the same lost-time-accident records.

Mr. Wildman: So that should be part of the tendering process.

Mr. Smith: It is part of the public record.

Mr. Wildman: Yes. In other words, the company that is going to sink a shaft should be looking at not only the tender provided by a particular company but it should also be looking at its safety record and setting out standards it requires.

Mr. Smith: We believe it should be in the contract that they must work according to the safety requirements of the company, not the contractor; I mean the companies whose property they are going to be working on.

This was particularly true, by the way, with exploration firms. I do not

know whether that is still the case or whether the real problem is with the contractors who are going in shaft-sinking or painting or whatever.

Mr. Wildman: The diamond drillers are also very high in accidents.

Obviously, too, contractors are involved in expanding existing mines. There have been some situations in Elliot Lake where they have negotiated between the steelworkers and the companies a system of worker-inspectors who have responsibility for safety on the job site, and there have been some arguments as to who has jurisdiction when the United Steelworkers worker-inspector takes it upon himself for good reason, from his point of view, to inspect work that has been carried out by contractors on a site adjacent to where the production is taking place; that is, the area for which he is responsible. There have been a few occasions where the worker-inspector who is supposedly dealing with the steelworkers has actually said that in his view a practice of a contractor is unsafe and should be discontinued, and this has caused some jurisdictional problems.

Mr. Smith: If you follow through our recommendations, that worker-inspector would be no different from a company inspector. We are saying the company should inspect the work of the contractor, so I cannot see why there would be a jurisdictional problem. If I were the company, I would want to put that into the contract, that our inspectors, including the worker-inspectors, can inspect the work.

Mr. Wildman: You made recommendations regarding communications and lighting. This morning the officials from the Mines Accident Prevention Association of Ontario indicated that there are serious problems and not much progress being made with improving radio communications underground because of the difficulty of radio waves being transmitted underground in an environment where there is blasting and a lot of other problems. I think the gentleman this morning indicated there had not been much change since 1967, basically 20 years, in the technology.

Are you satisfied with the work that is being done to try to improve communications to be able to implement the recommendations of your committee?

Mr. Smith: I do not know much about the communications side, to be honest, and I do not think we have focused that much on electronic communications. We talked more about personal communications and that is why we talked about workplace visits twice per shift and that sort of thing. We recognized there were limitations on mechanical means.

On the other hand, we did focus on lighting and in the lighting area, of course, we got resistance also, "You cannot move cables around. When you blast, the lights are all going to be damaged," etc. We are not convinced of that. If you can move a jumbo around and it is not going to get damaged, we could not see why you could not have a mobile lighting system that had a mobile power source, why, with today's technologies, something could not be moved into a place particularly if you knew it was an area of concern, or why you could not bring in supplementary lighting rather than just relying on cap lamps.

Mr. Wildman: Are you aware of what is happening with regard to lighting underground since your recommendation?

Mr. Smith: No, I am not; I am sorry.

Mr. Wildman: Did your commission also deal with the issue of miners working alone underground as it relates to communication? That is one of the issues.

Mr. Smith: Other than our recommendation that there be regular workplace visits, we recognize that miners do from time to time work alone, particularly in nonmechanized environments.

Mr. Chairman: Mr. Wiseman is next. Before we go on, I recall being in an underground site where they had not just the miner's lamp but also some kind of portable lighting system that looked like a fan. It had an incredibly bright arc light kind of thing that lit up the entire stope. There have been some advances. I do not know how common it is, though.

Mr. Smith: I do not know how frequently that is used on a day-to-day operational basis. We saw the same thing at that Denison site where there had been a fatality. They had brought in that form of lighting for the inquest.

Mr. Wildman: For the investigation?

Mr. Smith: Yes, for the investigation inquest, but not on a day-to-day operational basis. Of course, on most pieces of mechanical equipment there will be lighting such as head lamps, but they are unidirectional and are not necessarily beamed up on the work spot you are working at.

Mr. Wiseman: Most of my questions were asked by Mrs. Marland and Mr. Wildman, but there was one area where I was going to jump in with a supplementary when Mrs. Marland was asking a question. You mentioned that they blast or blow from above usually between shifts and you mentioned--was it the Denison mine where the three people were killed?

Mr. Smith: Yes.

Mr. Wiseman: Once they blow it like that--we will probably see it when we go through the mine--do the supervisors have to go down first to check to make sure it is a safe environment or a fairly safe environment? Who checks that? They do not just send the whole shift right down, do they?

Mr. Smith: To my knowledge, they do not go down. That is a question you might want to ask. It is my understanding that, generally speaking, the crew goes down together; in other words, the team, the supervisor and the workmen.

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Mr. Wiseman: You have mentioned that people had walked by this particular spot that caved in for about a week, or had been passing by and had never noticed any movement in the rock or anything that would lead them to believe there was a danger there. I just wondered what else the supervisor did besides--

Mr. Smith: You are familiar with the fact that, generally speaking, going in on a stope after a blast, the worker is usually required to scale, so that somebody should be going along with scaling rods banging the roof and checking for any loose, any unusual conditions. That is a normal practice to start the day off, if you like.

There is also, of course, in the legislation the right to refuse unsafe work, and so an individual worker, if he got into an environment where he was concerned with what he saw or there were changed conditions, certainly could refuse work and then he could have a worker-inspector, a company inspector or a member of the ministry come in and look at that situation. So there are tools that can prevent him getting into an unsafe condition. Whether those are always utilized, again I come to the questions you might ask. If you are on an incentive bonus, are you going to ignore some of those things, like the scaling, and are you going to go immediately into a production mode?

Mr. Wiseman: This is why I thought it important that the supervisor, who would be more experienced than some of the workers, would be there when they blow it to investigate these things and, hopefully, get around some of these accidents.

Mr. Smith: He tends not to, though. A supervisor may supervise up to 20 workers. They might be dispersed at various locations within the mine, in the various stopes. The workforce does not want to sort of stand around waiting for him to go around to each of these sites. They will tend to go, he will make his rounds, and then he will come back and write a report. So it is really through consultation with the workmen when he arrives at a site that they will come to some determination whether there is a problem, something should be changed or they need different equipment.

A lot of it rests on the shoulders of the workforce, and that is really part of the internal responsibility system. They are supposed to make those determinations and refuse unsafe conditions.

Mr. Miclash: I am going to go back to the bonus system. Every time we have touched upon it during our previous meetings, I have always thought of the forestry industry. We know that the fatalities in forestry are much higher. With my experience in forestry, I can actually go back and look at why fatalities are higher. How does the bonus system work in mining? Do you have some ideas as to how important it is to a miner on that bonus system? Does it encourage him to neglect safety?

Mr. Smith: I cannot give you the exact details, because in every mine there is, if you like, a slightly different incentive system. But it is well known to the workforce. They can almost tell you to the dollar how much they have made based on the amount of muck they have moved. It is established, usually, on a stope basis or on a cycle, but I do not know the exact details. The workers keep their own track, but the numbers are provided to an accounting function, who keeps score.

Mr. Miclash: I see. So each individual worker would have his own scorecard, then, and the incentive would be to--

Mr. Smith: In some cases it is a group, in some cases it is individual. It depends on the individual company and the type of mining it is doing.

Mr. Chairman: Workers tend to talk about a per cent bonus. They say he was on a 70 per cent bonus or a 50 per cent bonus, which means of their base rate. They are rough figures, I think. If their base rate were \$20 an hour and they were making a \$10-an-hour bonus, it would be a 50 per cent bonus rate.

Mr. Miclash: As I say, every time we have spoken about it, I have

always related it to the forestry industry. I have seen some of the things that went on out there and I am just sort of getting the idea that we could be on to something here that is really hot.

Mr. Smith: I think you might be. We thought it deserved further investigation.

Mr. Chairman: Mr. Miclash, with your experience in the forestry industry, did the bonus system there seem to be a hazard?

Mr. Miclash: Yes, very much so. In the forestry industry, of course, you are on cord piecework. The more cords you can move in a day, the better off you are. Like I say, with the equipment being used there and some of the safety standards that were to be abided by, when the management inspectors were around, fine, they looked at the regulations a little bit more, but when there was nobody around and a guy wanted to get a number of cords out, it would lead to very unsafe working conditions in many cases.

Mr. Smith: The fear always was, as we have raised the issue, that the productivity would not be there. Yet we had evidence from firms that did not have a bonus system that their productivity was as high as, if not higher than, firms that were on an incentive system. That is why we said it really required greater investigation than we could give the subject.

Mr. Miclash: How about incentives for accident-free hours? Do you find that a lot in the mining industry?

Mr. Smith: No. I do not find it, but there is always a kind of twist you can put. You can have incentives for safe performance or X number of tons of muck moved without an accident.

Mr. Miclash: Again, I know the forestry industry has gone that way, where there is quite a bonus for hours of safe work.

Mr. Farnan: Just to follow up on some questioning concerning the research aspect, I felt this morning there was some evasion in terms of the research from the delegation. That has been already mentioned, but in terms of research, for it to have some authenticity, I think the people who are interviewed must have some confidence in the honesty and integrity of the researcher or the research group.

Certainly, I think the workers would question the findings of MAPAO-directed research. I am guessing the industry would probably accept the findings. Although it is at arm's length, there is obviously a very close relationship just from the makeup of the board. The question is, is it possible for MAPAO to be involved in this kind of research? If the research is critical--and I believe it is critical; there were a lot of areas raised both this morning and this afternoon--should the government support the essential research directly through the workers' centre or should it be made a condition of funding that there be combined research projects, perhaps jointly sponsored by MAPAO and the workers' centre?

I think I heard you say you were looking for both groups to be coming together to address the issues. It appears to me that maybe, as an incentive to their coming together, this committee should be looking at a recommendation of a percentage of funding being conditional upon combined research projects by these two groups in conjunction.

Mr. Smith: Just to answer that question briefly, I do not feel, with my current level of knowledge, I can say yes or no. Conceptually, it sounds interesting and it is worth a further look at the implications. If we did that, who manages the research? Who sets the terms of reference for it? Who makes the decisions about which researchers will be hired? There are a number of implications to it but, conceptually, it sounds like a good idea.

When I was talking with reference to the MAPAO and the kinds of issues we saw in the time we were looking at this, looking at the credibility issue, it could be that if, working with a specific local there was an identification of a need, whether it be ground control, radio transmission or lighting, it is agreed that is something that deserves investigation, I can see no reason why particular mining companies, working with their local, could not put the resources together to support that activity. In other words, they could actually free up some people, one or two, who may actually participate on a committee to undertake the research on it.

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When we made that recommendation, that was given the conditions of 1983; maybe today it would be undertaken in a different manner. But we certainly saw no reason, given the statistics, that MAPAO could not take the initiative, could not approach Dome, Inco, Falconbridge or whatever mining companies tended to have safety issues relating to that issue, and ask for participation from them.

Mr. Farnan: My ongoing concern is that unless you have research, the results of which are accepted by both industry and workers, it becomes almost pointless, because you are speaking simply to one sector of the issue. Unless means are found to develop research that is acceptable to both groups, I do not think there is much light in the tunnel.

Mr. Smith: I agree. I do not think it is difficult, though, to find a means if the parties are willing.

Mr. Farnan: If the funding were to be there.

Mr. Smith: Government has always had a technique of using funding to achieve certain objectives, it is not just in the mining sector but in many sectors. Yes, it would be possible.

Mr. McGuigan: As a consultant, do you see any problems or could you comment on the split jurisdictions we have dealing with this whole subject, where the Workers' Compensation Board is getting a cheque to the injured worker as quickly as possible, and adjudicated and that sort of thing, we have the various accident prevention associations, we have the enforcement arm of the government, we have things like workers' centres and so on. The tendency of bureaucracies is to fight with one another. Are we approaching this right? I am wondering if we should not have a group atop the whole thing, that is, safety, and then all these things come from it.

Mr. Smith: I do not have an answer. We raised the same question, though--and I am trying to recall whether it was during this inquiry or whether it was last summer; I think it was last summer--and had a look at New Brunswick. New Brunswick has gone this route; it has tried to consolidate all safety activities under one authority. As I understand it, it is a tripartite authority, but it has the inspection, the education and all those activities. All I can suggest is that you have a look at that and see whether you think that model would be appropriate in our jurisdiction.

Mr. McGuigan: I think it should be. It is a European approach more than a North American approach to all sorts of subjects. They approach them that way.

Mr. Smith: Yes.

Mr. McGuigan: Maybe at the higher level, you get the tripartite group working better than you do down below. Then you can flow from that central group the various aspects of the matter.

Mr. Smith: Even in Ontario, if you look at an organization like the Construction Safety Association of Ontario, which I know is down a bit in the hierarchy, you get that provincial co-operation with the local leadership of the union and of the companies. Then they set up local councils and they in turn have joint activities out there. It tends to extend out and out. Again, whether that model would be useful to look at, I leave that up to your staff.

Mr. McGuigan: My colleague just asked me when New Brunswick brought that in?

Mr. Smith: I think it was about a year and a half ago. You should be getting some information coming out of that.

Mr. McGuigan: I think it would be useful.

Mr. Smith: The other comment I would make is that--and I have not monitored this either--just about the time we were carrying on our inquiry, there was an inquiry going on in Quebec. It was the Balmoral inquiry. I do not know what the output of that was. It was on a ground control type issue as well. You may want to look at the recommendations and what the implications have been in Quebec since that report was tabled.

Mr. McGuigan: Thank you very much.

Mrs. Marland: Speaking of Quebec, I just realized that in the very extensive package we were given prior to the commencement of our meetings, we have the Billette-Laflamme report entitled Influence of Bonus, Age and Experience on Quebec Underground Accidents. Have you ever seen that?

Mr. Smith: No, but I knew that was an issue of concern to that inquiry. Was that about 1984 or 1983?

Mrs. Marland: It was undertaken at Laval University in 1982.

Mr. Smith: That was undertaken at about the same time our inquiry was finishing.

Mrs. Marland: Yes, that is what I realized.

Mr. Smith: We knew at the time, because we were talking to the chairman of the inquiry, that it was a concern he had also. He commissioned some separate work on it.

Mrs. Marland: What is interesting is that they say, "The study showed a significant correlation between production bonus and accidents for activities related to production," which is a very strong statement.

Is it fair to ask you if there might be any major differences between

underground mining operations in one province and another? This is a fairly recent and probably extensive study. We can find that out, of course, but it is only five years old. Do you know anything about Quebec mining operations versus ours?

Mr. Smith: I do not. There could be differences in rock conditions. Just let me say there could be differences, but certainly I would suggest that you pursue it. We found that when we had a discussion with the chairman, it was most helpful.

Mrs. Marland: There would be differences in rock conditions in Ontario as well, but it is the difference in the mining operations. Do the mining operations come under any federal authority?

Mr. Smith: No. It is only in selected places, like in the east coast provinces, where you have the coal mines, primarily because it is a federal corporation, Devco, that operates those mines. Being a federal work, it is inspected by federal inspectors. Uranium mines are also inspected by federal inspectors because they are under the Atomic Energy Control Act, but in Ontario the provincial inspectors are appointed as federal inspectors.

Mrs. Marland: The reason I asked that is that I notice your study was a joint federal and provincial commission, so I wondered if there was a federal statute governing mining operations across Canada. What you are saying is, just in those specific provinces.

Mr. Smith: That is right. The only reason it was joint in Ontario was because of the uranium mines, which are licensed under the Atomic Energy Control Act and they are considered to be federal works. As such, the jurisdiction rests with the federal government.

Mr. Wildman: They come under the federal jurisdiction.

Mr. Smith: Yes. What happened was, following this study, I did a piece of work for the federal Department of Labour because the provincial departments, particularly this province, said they were no longer going to continue inspecting in those mines. We carried on a fairly extensive study to look at the administrative implications of passing the role over to the federal government. We found that neither the steelworkers nor the companies really wanted to pass it over.

What resulted is an accommodation. First of all, the Ontario act was incorporated into the Atomic Energy Control Act and then the provincial inspectors in Ontario and Saskatchewan were appointed federal inspectors under the Canada Labour Code.

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Mrs. Marland: Maybe we could ask our research officer to look at the Dr. Noel Billette and Marcel Laflamme study at Laval University in 1982 on the Influence of Bonus, Age and Experience on Quebec Underground Accidents, with a view to seeing if she can establish whether there are major differences in underground mining operation regulations in Quebec versus Ontario. If there are a lot of similarities in those underground operations, then we can draw similar conclusions from this report, although this report was limited to Quebec.

Mr. Chairman: I see no problem with trying to get the information

and distributing it to members of the committee, as long as it is not too thick.

Mrs. Marland: No, just if the mining operations are very different or similar.

Mr. Wildman: How do you account--maybe you cannot--for the comments being made to us by a number of different groups, the Ministry of Labour and the Mines Accident Prevention Association of Ontario, particularly, that say they do not have any evidence that there is any correlation between bonus and accidents?

Mr. Smith: I cannot account for it. I do not know whether, since our study, they have done subsequent research or work on that or whether they have clear evidence. I would ask for that evidence.

Mr. Wildman: No, I do not think they have said they have evidence that there is no relationship. They just say there is no evidence that there is a relationship. There is a difference between the two.

Mr. Smith: Yes, there is, but maybe they chose not to try to find it. As I said earlier, it is a very controversial issue which I feel no one really wants to step out on because there is a reaction from the workforce, a large body politic out there which is very important to the union and which could be very disruptive in terms of the inspected activity. It may be an issue which people hope goes away, hope that the safety record will improve through training, education and engineering means and hope that the compensation system can stay in place.

I do not know how important it is in the overall scheme of things. In other words, if you changed the compensation system, would that automatically mean that everything else clicked in and we would have a safe work environment? I think it is a combination. I would not like to see you put all of our eggs in that basket, to tell you the truth, and say, "OK, we change the compensation system and, all of a sudden, we are going to have safe work in the mines." I do not think that will necessarily follow.

Mr. Wildman: Are you satisfied that enough is being done in research and prevention of illness related to working underground and fatalities related to illnesses contracted as a result of working underground?

Mr. Smith: I could not answer that outright because I have not looked at the numbers and the actual allocation of research activity or the time spent by the inspectorate, either company based, union based or government based. I do know it has taken a fairly significant attitudinal change to move into the health side. It is so much easier to look at safety related issues than something that has the latency often associated with the health issues.

I think that is one of the fundamental differences in the work that is being done by the workers' centre, based on what I saw last year. The workers' centre has tended to focus more on some of the areas that have not been addressed in the past, which I think are critical areas. They are health related, they are designated substances, and the centre may have taken a little more initiative than others.

Mr. Wildman: My impression, both from comments made by the officials of the Workers' Compensation Board yesterday and comments made this morning by

the Mines Accident Prevention Association of Ontario, was that the MAPAO has tended to be more concerned and involved with traumatic accidents than with ongoing health issues that may also be related to mining and can lead not only to serious illness but to death.

Mr. Smith: They may have. An inquiry like this, which is often focused on a fatality situation, may have caused that kind of focus by the MAPAO. The numbers are very current, and you know what happened. With the latency associated with health-associated illnesses, often you do not have the statistical basis today.

The other thing that is happening is that a lot of the background research that is needed is just coming out of the universities now, out of the laboratories, academic institutions, etc., that have been looking at those subjects.

Mr. Chairman: Are there any other questions of Mr. Smith? If not, Mr. Smith, thank you very much.

Mr. Smith: I hope I made a contribution.

Mr. Chairman: You did, I assure you.

Mrs. Marland: You certainly did.

Mr. Chairman: We appreciate your attendance.

We want to have a meeting of the steering committee to deal with travel arrangements, to make sure we are thinking alike on where we go and when we go there. We had originally talked about 9:30 tomorrow morning. If the people on the subcommittee, Ms. Collins, Mr. Wiseman or Mrs. Marland, Mr. Wildman and I want to do it now, I have no objections. I do not have much time, about 15 minutes. I have another meeting. Or we can do it at 9:30 in the morning. Do you want to do it now? That way everybody is here.

The committee adjourned at 3:47 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

THURSDAY, JANUARY 28, 1988

Morning Sitting



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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Witnesses:

From the Ontario Mining Association:

Reid, T. Patrick, President

Gordon, John, Chairman

Campbell, Bruce, Manager, Technical Services

From the Mines Accident Prevention Association of Ontario:

Coughlan, W. K., Executive Director

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday, January 28, 1988

The committee met at 10:10 a.m. in committee room 1.

MINING SAFETY

(continued)

Mr. Chairman: The standing committee on resources development will come to order as we continue our look into mining accidents and fatalities in Ontario mines. This morning we have the Ontario Mining Association before us. I am just assuming that they do not intend to read the brief to us, the blue book in front of you, but knowing Patrick Reid, it is possible he intends to do that.

I would like to welcome you here. We are pleased that you were able to come. There was some confusion whether this was actually going to happen, but I think you know the way things work around this crazy place. We are here and this is our second week. After this week we start to travel the province to visit some of the mines in southern Ontario and northern Ontario.

Welcome. Mr. Gordon, you are chairman of the OMA and I assume that you will introduce your colleagues.

ONTARIO MINING ASSOCIATION

Mr. Gordon: Thank you. Mr. Chairman, ladies and gentlemen, I would indeed like to introduce my colleagues and myself. On my right, Patrick Reid, president of the Ontario Mining Association. As such he is responsible for the general operation of the association.

To my left is Bruce Campbell, manager of technical services for the association. Bruce has a background of mining operations and, as such, brings a good, practical commonsense feeling to the deliberations of the association itself.

I am chairman of the Ontario Mining Association and also a vice-president with Noranda Minerals Inc. Part of my responsibilities are at the mines in northern Ontario, our Geco operation at Manitouwadge, Hemlo gold mines at Hemlo itself, Mattabi Mines Ltd. and our Lyon Lake division north of Ignace. We also have the Mining Corp. of Canada Ltd., a mine construction and development organization that is headquartered in South Porcupine. We have a good knowledge, over many years, of mining in Ontario.

You will have heard from a number of individuals representing interested organizations over the past several days. There will have already been some repetition and undoubtedly there will be some this morning. This is not too surprising, given our common goal.

As we strive to find some relevant answers to a very perplexing problem that this committee is investigating, we sometimes tend to follow the same paths. This is not considered to be necessarily bad, because a fresh look at the situation may reveal something that has been missed previously. You will have heard that attitude and state of mind are part of the problem. If a

positive attitude or a positive state of mind could be fostered, then a considerable reduction in injury and fatality frequency would occur. I am one of those who support that premise. I should hasten to point out that I am referring, not only to the so-called blue collar or hourly rated workers, I am referring to the whole organization. We will look at this in some depth as we get deeper into the brief.

As your chairman has pointed out, this is a rather formidable document that we have provided you with this morning. Indeed, I do not intend to read it all. However, I would like to highlight certain sections leading to several recommendations that we have proposed.

The Ontario Mining Association represents some 40 companies operating mines in the province, and these produce about 95 per cent of the value of production of all the metal and nonmetal mines in Ontario. Thirty-two different metals and nonmetals are produced by our group from both open pit and underground operations. In the north, generally, with hardrock underground mines, and in the south, so-called soft rock mines and open-pit operations are concentrated.

A great variety of mining methods are used through the many mines that belong to our organization. To give you some assistance with regard to the background, some of the technology that is used, and I appreciate the MATAO left the same booklet with you yesterday, but at appendix 1 there is a guide to underground mining. I think it is a pretty comprehensive guide to give you a background of what it is we are about.

At that stage I note that on March 7 the committee is scheduled into the general Hemlo area, amongst others, and we would like to extend an invitation to the committee to come and visit our Hemlo operation at Hemlo itself. Hemlo Gold Mines Ltd. would be very pleased to have the committee there.

Mr. Chairman: We are glad to hear that. We were hoping to get such an invitation.

Mr. Gordon: This is a modern mine in its third year of operation. I think, with some degree of immodesty, it is a state-of-the-art operation, and I think it would be helpful to the committee if they had the opportunity to have a look at it.

The OMA was formed some 68 years ago, and efforts in accident prevention were under way almost immediately. While mining has some inherent risks that we do not find in general surface operations, we are managing those risks in a way that is not necessarily appreciated by the public. You will see that our lost-time injury rate now compares favourably with most of the major industries in Ontario. I think here, for many years, the mining industry generally has fallen short in the communications role in so far as the public is concerned. Even yet, I do not believe the public generally understands the business.

The table on page 2, compensation claims paid per million man-hours worked, if you direct your attention to the second-last column on the right-hand side, 1986, it shows mines at 29 frequency, the number of claims paid per million man-hours worked. Compare it, if you will, to the bottom of the column, hospitals at 19 and the pulp and paper industry at 16. Other than those two industries, mining has the lowest frequency in the province and, indeed, there may be some question as we put our final 1987 statistics in, whether we would be very much closer to hospitals.

On page 3, an accident is defined essentially as any event for which the Workers' Compensation Board makes a payment, an unforeseen event. The board normally uses the term, "claim paid." There are several different types of accidents and in developing accident prevention programs, we distinguish between traumatic accidents and health claims. The traumatic accidents are broken down into medical aid, lost time and fatal accidents. Through the Mines Accident Prevention Association of Ontario the industry has kept careful track since 1932 of the traumatic lost-time accidents for purposes of comparison so that we can both relate ourselves to other jurisdictions, as well as internally to the industry and, the individual operations themselves can compare to previous experience.

As noted, the accident rate, or accident frequency are interchangeable terms. They are the number of accidents divided by the number of hours worked. Some years ago until fairly recently, one million man-hours was the denominator that was used. Some few years ago we switched to 200,000 man-hours and this is common through the province, unfortunately, not yet across the country, so that one had to be a little careful of statistics when they compare from province to province.

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For example, in 1975, the accident rate for the industry was 12.2 compared to 1987's last report through November of an accident rate of 3.9. This compares, we think, to hospitals at about 4.

On page 4, of concern is the fact that the reduction in accident rates has not been translated into a reduction in compensation costs. We have attempted to demonstrate that on the graph on page 4.

You will note the accident rate coming down from about 61 in 1975 and the reduced trend to 1985 to about 22, or a reduction of about three times across those 10 or 11 years. On the other hand, the compensation costs, or the Workers' Compensation Board assessment charges, went from 18 in 1975 to about 65 in 1984, or an increase of almost three and a half times. So one sees an interesting dichotomy in those two numbers.

In appendix 2, there is copy of a Mines Accident Prevention Association of Ontario monthly accident report which describes the accident situation as at November 1987. Along with those, there are several other MAPAO statistical reports. I think they are quite clear in how they are set up and I do not intend to spend any time reviewing those, but we would most certainly be more than happy to run over them if someone in the committee wished to have a further look at them.

In the period 1984 to 1987, these statistics show that about two thirds of the injured workers were between the ages of 26 and 45 and less than 10 per cent were under 25 years of age.

Some 14 per cent had less than one year seniority, but half had more than 10 years.

While 13 per cent had less than one year's experience on the job that was being done when the accident occurred, some 61 per cent had more than five years' experience.

Those statistics refute the allegation sometimes heard that it is the young, inexperienced worker who gets hurt.

On page 6--I will just spend a moment or two on this because I believe you also discussed this yesterday--we discuss the accident triangle, the iceberg theory. Most of us in the business over many years had subscribed to this theory. That is, if the number of incidents were reduced, then the number of injuries and therefore the number of fatalities would also be reduced comparably. Indeed, in some cases, this was the case. More recently, this has not been the case.

Indeed, when one looks back over some historic numbers, the experience in the mining industry in Ontario seems to run contrary to this.

While these two graphed trends are not particularly numerically correct, none the less, the idea of them is to show the trend. On the left-hand side, first of all, the trend from 1966 to 1975, the lost-time injuries were increasing across that period of time; the fatal injuries were decreasing.

Then in 1976 through 1987, in that 11-year period, while lost-time injuries were decreasing quite dramatically, the fatalities were increasing. Indeed, the graphs are supposed to only give impressions in that sense, and they obviously were not straight lines from year to year. There were ups and downs during those years. None the less, they do show that the fatalities have not been following the accident trends generally, and this is perplexing. We do not have a ready answer for that seeming dichotomy.

What has the industry been doing and what has been done? There have been several thrusts. First of all, the five-point safety system was developed prior to 1950 by Neil George, who is a highly respected mine safety authority. It was developed in Quebec initially and adopted in Ontario. This system now is used in many countries and everywhere in Ontario and has been for some time.

It is a simple, understandable system, and it works. Mine supervisors as well as the hourly rated employees are taught to follow the five points. Perhaps I could relate this to something that is a little closer to home that we could relate to better than a mine. As I was going over this, I thought perhaps we could relate to our basements and the steps going down to the basement.

If we looked at the first of these points, to check the entrance for hazardous conditions, and thought for a moment about our entrance to our basements and down the steps, we might ask, "Have the children left toys on the steps?" or "Did somebody leave a magazine that one could step on and slip and fall?" It is that type of thing we are looking for in the entrance to the working places underground, the kind of footing. Here we have some equipment, we have hoses of various types, air and water, that could be left lying around that people could stumble over. There is the additional problem in an underground situation where we have both overhead and side situations that must be observed as well.

The second is to check the workplace to ensure that tools, equipment and conditions are safe. Here one could think about the problems one might have with a hammer with a cracked handle, whether you are going to pinch your fingers with it or if the hammer itself might come apart. How often have used a screwdriver with a broken head and got ourselves in trouble as we were trying to either tighten or undo a screw. It is that type of thing, to look at the type of equipment used underground that we wish people to be checking to make sure that tools and equipment are in good, safe condition to work and that the general conditions they are working in are satisfactory.

The third is to observe the work in progress and whether the men are working properly: We have an interesting situation underground that has crept in over very many years. As a matter of fact, I do not ever recall its being any different in my career. Often--in most cases--the men stop working when the supervisor shows up. There are several reasons for this. It might be noise. It might be a chance for a break to have a smoke or whatever. It does provide an opportunity for the men to assist the supervisor in his inspection of the workplace. It obviously presents better opportunity for instructions and discussion.

The danger here that could very well happen is that the supervisor then considers his job done in that place. It is a safe working place, and he leaves, and he has not yet seen the fellows do any work. So we insist that the supervisor does indeed have the people go back to work and does spend some time watching them as they are doing their tasks. This will relate again in the fifth point of the safety system.

The fourth point is to do some act of safety. What we are trying to do here is to reinforce the attitude or the state of mind that I was talking about. Examples are used, be they a question of proper footing, be they a question of scaling with regard to make sure that the places in proper condition to work, or even the point of the communications with other crews and this type of thing. We ask the supervisors on each occasion to try to stress this, to try to leave the people with the thought of safety being foremost in their minds.

The most difficult question the supervisor then has to ask himself is the fifth point of the system: "Will these men continue to work safely after I am gone?" That is obviously an extremely difficult question. As I said earlier, unless he is observing them doing their work, he really has not got a chance to answer that question at all.

The committee has been told already how a mine works, but none the less, we have put some description under appendix 3 for easy reference. Again, I will just refer to that. It spells out a typical kind of work that is being done in the mines and you could have a look at that at your leisure.

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The second thrust I would like to highlight is fail-safe programs which are in use in some of the operations and being developed further in others.

If one were to take as premise the fact that unplanned events are inevitable in a technological society, what we are trying to do is design a system that when there is a failure, no accident results from that failure. The question of whether fail-safe should be interpreted as no failures is really not the point. We accept the fact that there will be failures. What we are trying to do is establish a system so that when these failures do occur, they fail safely. As Ham pointed out in his report in 1975-76, there is no attainable state of absolute health and safety.

On page 9, we have the internal responsibility system. Just before I get into that, there is one other thrust we are at that I would like to comment on. It is not included in the brief, although there is a reference made to it.

This is what we call a five-star audit. This is a systematic analysis of a company's safety system whereby a group of trained people, in conjunction with the Mines Accident Prevention Association of Ontario, audits the position

of the company in some 21 areas pertaining to safety, from recordkeeping through communication. It provides a measurement to indicate progress and points out areas of deficiency. Almost all the properties now have been subject to either a preliminary or a full audit. The intention is to continue this so that we can zero in on where the deficiencies are and spend more time in those areas.

We think a key building block or the linchpin, if you like, for accident prevention programs in the mining industry is this internal responsibility system. It indeed underlies the Occupational Health and Safety Act. I would like to spend some time on this with you, if I may, and quote from our brief.

Ham said in his report that the commission had found it helpful to use the concept of the responsibility system for health and safety, encompassing the roles of all parties involved. The scope of this responsibility system is related to five basic factors which, in the commission's opinion, together determine the levels of occupational risks in our mines. Whether in the home or the factory, on the highway or in the mine, there is no attainable state of absolute health and safety. There are "levels of risk accepted or tolerated to a degree by the parties concerned." Mines can only exist where economically viable operations can be conducted.

Within operating mines, the acceptable levels of occupational risk are determined by the quality and kind of industrial management and supervision; the degree of participation and commitment from employees, individually and collectively, in labour unions or otherwise; the state of social expectation and concern in the mining communities and in the public at large; the measure of political attention as expressed in legislation in the related governmental administrative practices for monitoring compliance and in the provision of compensation; and, finally, in the combined effectiveness of the above parties in operating as a system. I think that perhaps is the most important part of what was said here.

In other words, Dr. Ham said that there is a complex structure of relationships among worker, supervisor, management, union, industry, government and the public, which includes just about everybody you could possibly involve. This is what would determine the level of the risk that is acceptable.

The Mining Act, as Ham said, placed the onus on management to ensure that conditions of work met well-defined standards and that tools and equipment were suitable for work and were maintained in a proper condition. He added a third onus on management to ensure that employees are adequately prepared, through training and experience, to engage safely in productive work under normal conditions and to recognize and report anomalous conditions of work.

After these obligations are met, Dr. Ham said, the onus is on the worker and supervisor to ensure that the standard work procedures are followed, the standard conditions of work are maintained and that tools, equipment and processes are properly used.

Properly performed work would preclude accidents. However, in a changing environment such as a mine, proper performance of work depends not only on the effectiveness of the work administration but on the effectiveness of the means by which the system monitors its own performance and adapts to changing conditions.

"The fundamental basis for accident prevention lies in the ability of each person to perform his duties in a self-determined manner within clearly defined boundaries of authority and responsibility," according to the commission. It is in that sense that I mentioned earlier the question of attitude and state of mind. This is what Dr. Ham was referring to as well.

The answers to questions as to who is responsible for detecting departures from the standards of work, who is responsible for deciding whether action is taken or not and who is responsible for seeing the anomaly is corrected all fall within that responsibility system.

It is management's responsibility to see that there is a clear understanding among all the parties of their duties and responsibilities, that processes of communication among levels of responsibility are well-defined and operative, that there are procedures to detect and correct departures from standard conditions and that there is a procedure to audit the effectiveness of the system as a whole.

To illustrate what he meant by differing responsibilities of the different parties in an organization, Dr. Ham included a table entitled, "The Internal Responsibility System for the Performance of Work". It is most instructive to examine this table carefully. That shows on page 11.

I will not go over all this, but what Dr. Ham did was look at the internal responsibility system and not only attempted but did segment that responsibility all the way through from the workmen, the various line supervisors, through senior management at the property and into the chief executive's office. This is an integral part of the internal responsibility system. It has to include the whole line.

I might point out that while this was done in 1975-76, the industry, generally speaking, has surpassed the type of thing that Dr. Ham was talking about. In the general approach to a participative, employee-involved type of operation that most of us are running these days, the responsibilities are not spelled out as clearly or segmented as clearly, if you like, as Dr. Ham had done.

We look more at a team effort, so that the workmen, the supervisor, the superintendent--that group--work very closely together and determine how the work is going to be done, who is going to be doing it, what kind of equipment should be used, if equipment is maintained in a condition that is suitable and so on. By this, we consider we have a very much stronger unit to determine just how things should be done. We look at the participation of all those people who are involved in the direct responsibility of what is happening.

If I may address this for just a moment, if any of you visit our Hemlo Explorations operation, you will find we have three levels of supervision: a manager, a group of superintendents--one for each of the major disciplines--and co-ordinators. We no longer have foremen or shift bosses as the old existing conventional system used to have. The co-ordinators are, in truth, exactly that. Their job is to co-ordinate the people, work, equipment and supplies that are required in order to get the job done. We find that by doing this, we have very much more of a team spirit.

Indeed, the whole crew gets together prior to going on shift and the whole crew discusses what is going to happen throughout the mine during that shift so that the question of communications is resolved. We look very much to having input, in so far as all the people are concerned, as to how things get

done. While this sounds a little bit like a cliché, nevertheless, we very much believe in the fact that the fellow who is doing a job for seven or eight hours a day obviously has a very much better idea how it should be done than someone who only sees it periodically.

When you are at Hemlo, you will take the opportunity to spend some time to review that kind of situation with us. It will also provide an opportunity for you to talk to the people at the plant and get at first hand the reaction they have.

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Not too surprising at all, when all of the people who are involved have an opportunity to have no-nonsense input to what is going on, they feel very much more comfortable and very much more interested and a part of what is happening.

Finally, and this is an important point as far as industry is concerned, Dr. Ham said the external audit for the mine inspectors can keep the basic internal system alert and responsive, but it cannot substitute for basic internal integrity, which rests on the knowledge, the training, experience and commitment of management, supervisor and worker.

All parties are under an obligation to seek to eliminate the anomalous conditions--organizational, technical and human. The function of the mine's inspectors should be to keep the internal system at the company level alert and responsive and to deal bluntly with the true offender, according to the commission.

Could we sum up the meaning of the term "internally responsibility system" in one sentence? Probably not very easily. But within the system, parties know what needs to be done, how it has to be done and who is to do it. They know how to recognize when changed conditions require changed methods, and who is responsible for making those changes. Above all, they are committed to doing the job right.

It is interesting, when one looks back at the 1975-76 period, one did not hear too much about the terms "employee participation" and "employee involvement." Those are terms that are perhaps more recent. None the less, people were doing that sort of thing in those days as well, although it was not called the same thing.

Under appendix 4, we have attached some documents to amplify our remarks on the internal responsibility system. If I may, I would ask you to turn to appendix 4. There are some comments here that I would like to draw to your attention.

On the first page of appendix 4, under the heading, "Notes on the Internal Responsibility System," the McKenzie and Laskin report that came out last year formally noted that the internal responsibility system "forms the basis of the Occupational Health and Safety Act and 'finding acceptable solutions to workplace hazard depends on co-operation between labour, management and the regulatory authorities.'"

Further down the page to the bottom one third, "Ham said the responsibility system...was lacking in two significant areas." Again, this was referring to 1975.

First of all, "Divided jurisdictions made it unclear where initiatives to deal with problems were to be taken," and second, "Workers, individually and collectively, were denied effective participation in tackling the problems." I just indicated we have been working diligently in both of those areas.

Dr. Ham said effective participation had three major elements: knowledge about the actual and expected conditions of the workplace, a contributive responsibility to provide an insight on the basis of knowledge and work experience and a direct responsibility to make operative decisions that influence the conditions at work.

Kevin Burkett, in 1981, in his inquiry commission report, amplified these terms. He said that direct responsibility falls on workers, supervisors, management and executives to organize the work, design work practices and determine the manner in which and the conditions under which work is performed. Contributive responsibility, on the other hand, falls on health and safety committees, safety departments, unions, the Mines Accident Prevention Association of Ontario and the mining health and safety branch of the Ministry of Labour. These organizations contribute to safe production through consultation, advice, audit and inspection.

What we are doing here is looking at what might be termed an operating line of chain of responsibility. First is the contributive efforts of the nondirect line of responsibility organizations.

Both Ham in 1976 and Burkett in 1981 commented that parties did not understand the concepts of direct and contributive responsibilities. McKenzie and Laskin picked this up in the 1987 report. Some people in some cases were calling for an expanded directorate acting as policemen using prosecutions as a major tool. That is really not the way to go about getting the problem resolved. Ham meant that the internal responsibility system was to be a mechanism to determine acceptable risk. In order to do this properly, parties need adequate knowledge, and the process requires a meaningful consultation and mutual respect, trust and confidence among all parties involved in the system, both the line direct responsibility and those in the contributive responsibility areas.

Further down the page, dropping to the last paragraph, in 1980 Dr. Ham said there were two kinds of risks: voluntary, lifestyle risks such as drinking, smoking, overeating, recreation, those types of things; and involuntary risks such as happens riding on public transportation, drinking municipal water or working.

Studies have shown that people will impose on themselves risks 1,000 times higher than those they will permit to be imposed on them. That is undoubtedly a bit of an exaggeration, to make a point. I have never seen the results of those studies that would refer to 1,000 times, but I think if one looks at one's own personal life that certainly is a good case in point.

If you switch over to page 4 for a moment, there are a couple of points. In the second paragraph, the fundamental basis for accident prevention, Ham said, lies in the ability of each person to perform his duties in a self-determined manner within clearly defined boundaries of authority and responsibility.

In the middle of the page, the concept of a worker's right to refuse unsafe work is something that needs to be addressed and, I understand, has

been discussed before the committee. Dr. Ham, some seven years ago in 1980, in talking to the Hydro committee said that in his report, "I did not recommend that a worker have a kind of automatic right to refuse work. I recommended that there be a staged series of investigations necessitated in a circumstance where a worker is basically concerned about the circumstances of his work."

He went on to say that the existence of the right to refuse work does not ensure safety or a high quality of working relationship, but that what is really important is the quality of the actual day-to-day working relationship and the understanding between the people who are engaged in the activity.

McKenzie and Laskin again, in 1987, picked that up in their report. They said, "There is substantial agreement among employers, workers, some union officials, ministry staff and politicians that the philosophy embodied in the IRS is the only practical approach to the control of workplace hazards."

On page 5, the words "internal responsibility system" describe a philosophy of management to achieve safe production. Included in that philosophy is the participation of all the players, from the worker at the face to the executive office.

There is a reference five pages over. R. Peter Riggin, QC, who is a member of the Burkett commission, made a comment on page 3 of his report. He said:

"Essential characteristics of the internal responsibility safety system are: participation by all the players, openness, co-operation, commitment and a clear understanding and acceptance of the roles and responsibilities of the various participants in the system.

"Role definition is critical. Each and every step in the line from the chief executive officer down to and including the worker in the workplace is centrally responsible. This is where direct responsibility resides: throughout the line. Other participants in the internal system, safety departments, joint safety and health committees, worker inspectors and monitors, union representatives, engineering, purchasing, occupational physicians, hygienists, nurses, etc., also have responsibilities. But all of these responsibilities are of a different nature. They are contributive responsibilities which, in a comprehensive and effective system, are fully supportive of the direct or central responsibility which is in the line.

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If we can go back then to where we digressed, back on page 12 of our initial introduction before we started on appendix 4, there are included in appendix 4 eight papers which give a background with respect to the internal responsibility system, joint health and safety committees, modular training, understanding the safety part of loss control, audit systems and so on. These papers provide a good background for what the internal responsibility system is all about.

We replied to the Burkett commission as an association. Appendix 6 shows our response to the Minister of Labour with regard to Burkett's recommendations. You may want to review those at your convenience. I do not propose to review them this morning. The same applies to the Stevenson committee report. We also replied to that and our response to the minister with regard to Trevor Stevenson's report is attached as appendix 7.

There is no question that these commissions or inquiries have had a

profound effect on the industry. Partly because of these inquiries to date, every company has a system of joint health and safety committees.

Every company has also established a miner training program or what they call a modular training program. This is made up in a common core package, the basic kind of skills that a miner needs. In addition to those, there are specialty skills in the modular form for the training that the miner can work with after his common core studies are done.

Indeed, these studies can lead to the classification of a master miner. There is little difference in many respects. When one looks at a machinist, a first-class electrician or one of those people in the trades where we differentiate at all or need to differentiate at all the skills a miner has, it is a different type of skill perhaps but, from a quality point of view, every bit as important.

All of this is accredited by the Ministry of Skills Development. This program has worked exceptionally well, we feel. It started in 1978 as a hard-rock miner program and has since been expanded to include the soft-rock miners down in the southern part of the province. The supervisors' module was developed for them and for mill process operators. There are some 15,000 miners, which is a very large percentage of the total miners who are working, who have completed a common core and a total of somewhat in excess of 100,000 specialty modules.

Statistics show that the mining industry has more people and companies involved in training expressed as a percentage than any other private industry. We intend to continue and augment what we have done in the past with regard to training.

On page 14, the relationship between the Ontario Mining Association and the Mines Accident Prevention Association of Ontario, we would be prepared to discuss that later if a question were to arise, but again I understand you had a pretty full discussion yesterday. In the interests of time, I will just make the comment that we really do not have very much to add to what you would have heard yesterday with regard to that.

Burkett raised the issue of productivity bonus during his hearings. When the OMA heard about this, we did a survey of the members. They reported on the lost-time accident rates for bonus and nonbonus workers over a three-year period prior to 1981. The results of this survey indicated that bonus did not influence accident rates. Subsequent to the Burkett commission report, the association contracted with a consultant, Dr. Peter Moon, to do an in-depth study. The main conclusion of Dr. Moon's study was that bonus and nonbonus accident rates are not significantly different on the same set of jobs.

At about that same time in the early 1980s, the Quebec Metal Mining Association contracted with Laval University to study the same question. The conclusion that the people from Laval arrived at was that, "Multifactorial analyses of the nine variable files for the 10 mines"--that they investigated--"has shown: that age, experience and seniority are linked; that total working hours are tied with overtime; that bonus is linked to the main activity of a miner, and not to accidents." The report went on to say that "the most tangible factors affecting accidents seem to be the introductory training and subsequent retraining at regular intervals."

While we recognize that there are some differences of opinion yet with regard to the subject, the objective information seems to indicate that bonus in itself is not a cause of accidents.

On a very positive thrust, one of the important recommendations in the Stevenson report had to do with mining research. Since that report was published, the OMA has established the Mining Research Directorate, with an independent board of directors representing management, labour, government and academia and a full-time managing director. Funding by the mining industry has been established and an assessment of the variety of research projects in ground control is being made. At the same time, our members are participating in ground control and rock mechanics research projects that are funded under two federal and provincial programs. A copy of the document describing the Mining Research Directorate is attached at appendix 8.

We also acknowledge the support given by the provincial government in established mining-related chairs at Laurentian University, Queen's University and the University of Toronto. We expect that the research and educational efforts from the people holding these chairs will be a large benefit to the industry. We would like to point out that the Stevenson committee said that there was a lot of research being done by the mining industry, but Stevenson criticized the co-ordination or the lack of co-ordination.

Ontario mining is considered to be as good as any in the world. Today our mines are very highly mechanized and capital-intensive and they require excellent people to manage, supervise and work in them. It was as a result to a large degree of the Stevenson report that we took to heart the comment he made with respect to not only the perceived but also perhaps the real lack of co-ordination, and through that the Mining Research Directorate was formed.

Of some interest is the fact that subsequent to the Mining Research Directorate, the national body, the Mining Association of Canada, has a similar type of organization. Where we have been the Ontario part of that, they are an integral part of the national scene.

On page 16, in the last paragraph, we would like to emphasize that mining research did not start with the Stevenson report. Research has been conducted almost since mining in Ontario began into better methods and better equipment to make mining easier, safer, healthier and more productive. There is a long list of research organizations in Canadian mining. Since it is a fairly small industry, in fact, transfer of information can be and is done very quickly.

We have attached for your information in appendix 9 the most recent report by the Department of Energy, Mines and Resources on mining research projects that are being conducted in the country. This will give you an idea of the range and depth of the various projects that are under way. We note at the last of that paragraph that there are other private projects that are intended to result in commercial products that are not included in the Energy, Mines and Resources listing, so this is only a partial listing.

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The comments that I have made in our brief led to eight recommendations that we have here, and one other that I would like to talk about for a moment, but I will first review the recommendations on page 17 of our brief:

1. Reading the Ham report will give the committee a better understanding of the working relationships in mines and of the internal responsibility system. In our opinion, the support and encouragement of the committee for the internal responsibility system will be most helpful in making the system work. Paraphrasing Ham, we have to see the issue as one of protecting people, not of

gaining power. Ham said that it is counterproductive to try to find someone to blame when an accident occurs, and the Burkett commission focused attention on the undesirable result of the prosecution policy of the Ministry of Labour. The object is co-operation, not confrontation.

2. Both Ham and Burkett identified more relationship issues and more behavioural issues than technical issues. Yet we persist in trying to find technical solutions to these issues. Perhaps we should give some social scientists a chance to look at the problem.

We say that in all seriousness. Those of us who are involved in the industry come from a practical engineering background and perhaps the approach that we are using is too practical and too technical in that sense. If one thinks for a moment that to a large degree what we are talking about are attitudes and a state of mind more in a social behaviour area, there may be an answer.

3. The Workers' Compensation Board, the Ministry of Labour and the Mines Accident Prevention Association of Ontario should get together to agree on definitions for statistical analysis and reporting. This is a vital first step to understanding the situation, identifying trends and setting priorities.

All the figures you will see, either yesterday through the MAPAO or information that we have supplied in our brief, are correct. It is a matter of the definition of where those numbers came from and it would be helpful to all of us if we used the same definition and if we are talking apples here, not fruit cup.

4. As the mining industry becomes more complex and as social issues become more dominant, there will be an increasing need for more highly educated people, with more emphasis on regular retraining. This will require continuing support by the provincial government for educational institutions in northern Ontario.

5. The mining industry is both conducting and funding a great deal of research. We have set up research management structures at both the provincial and national levels. While recognizing the contribution of governments to this point, we would like to see more funding by government of joint research projects aimed at safe production.

6. While the mining fatality rate is the subject of the committee's investigation, it should be recognized that the fatality rate of the male population in northern Ontario as a whole, due to "accidents, poisoning and violence"--a standard mortality classification--is not significantly different than that of miners. Both rates are again more than half as high as in the south. The committee should address this question.

7. The University of Waterloo has an Institute for Risk Research. The committee might find that the institute has some expertise that would be of value to the issue being studied.

8. In an increasingly technological society, literacy is absolutely vital. Government should support literacy programs, including incentives to participate.

Another recommendation you may wish to think a bit about that we have not included in our written ones is the question of safety as a subject to be included in the public school curriculum. That may warrant some thought since

very shortly after their public school activities the workers we are dealing with are in the workplace. Some recognition of safety generally--again, the attitude and state of mind that I am talking about--may be helpful.

In summary, the Ontario Mining Association and its member companies are committed to a safe and healthy workplace. Our commitment has been demonstrated by the improvement in the accident rate from 1975 to the present. Our industry commitment is also shown by the amount of training of workers, the number of joint health and safety committees, the research into new mining methods, equipment and procedures and the commitment of time by a large number of mining people on OMA and MAPAO and the local safety group committees.

We believe that the internal responsibility system is the cornerstone of a good safety program, with the parties in the system accepting their role and responsibilities in ensuring a safe workplace. There will always be risks associated with mining, as there are in all industries and other aspects of life. The commitment that we have is to minimize these risks as much as humanly possible, in co-operation with the people involved in the safety system.

I might just add a further comment. Included in the brief are some numbers. We obviously are very serious about the moral aspects of our accident prevention programs and injuries that occur to people. We are also concerned from the point of view of the efficiency of the whole organization. I would be perhaps misrepresenting to a degree the facts if I did not say that there is as well an economic relationship that we think about. If we are going to run an efficient operation, we want the people who are trained there on the job.

It is very expensive to have the fellow off for whatever reason, especially if he is hurt. It is an expensive business to train him, and we have numbers that would indicate a minimum of \$25,000 or \$26,000 to get a fellow through the common core. By the time he becomes a bit of a specialist, we are up to the \$60,000 range and, indeed, in the highly specialized jobs, we are up to over \$100,000 to train these people.

Moral aspects aside--and I am not minimizing those at all--it is obviously to the industry's benefit to make sure that injuries do not occur. It is a very expensive business. We are very much better off maintaining the trained people we have rather than having to replace them. So there are those two thrusts, and the fact that they are running parallel is obviously very satisfactory, from our point of view.

I think that summarizes pretty much our brief. If there are some questions that the committee members have, Mr. Reid or Mr. Campbell or I will be pleased to attempt to answer them. In the event that we cannot answer today, we will most certainly get the answers back to you. We appreciate the opportunity to present our brief to you. If you do have some questions, we are prepared.

Mr. Chairman: I can assure you there are questions from members of the committee, including myself. I will try to restrict myself to a couple so that we can all have a go. I am very much impressed by the work that you have put into the brief in the assembling of the information. I am sure it will be used by the committee.

I have a couple of questions. Yesterday, Mr. Brailey from Falconbridge, who is president of the MAPAO, told us that his cost per employee for WCB assessment--all employees, not just the ones underground or in the smelter--is

\$3,000 per year. Is that a fairly representative figure in the industry as a whole?

Mr. Gordon: I think on an average basis it would be in that area.

Mr. Chairman: You mention on page 14 a rather interesting thing, when you comment on the budget of the MAPAO. I am wondering whether you thought that it was inappropriate for the WCB to be restraining the budgets. Do I read that correctly?

Mr. Gordon: The budget of the MAPAO is somewhat less today than it was prior to the present organizational setup. What we are really interested in is the effective use of the funds that are provided. We would suggest that the experts on the MAPAO staff who have, after all, spent a good deal of their careers at this job have a good feeling for what it is that is required. From the industry point of view, we have a feeling for the services that the MAPAO should be providing as well.

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Whether that budget is sufficient or insufficient is perhaps debatable. It to a large degree depends on how it is being used. The answer is not necessarily just to throw more money at the situation. The study of what it is that the services the MAPAO provides in the various areas it is working in--keeping in mind that the MAPAO is not responsible for safety in the mines. That is our problem, our problem being the industry problem, rather than the MAPAO's. It provides a service to the mines in very many areas.

So I would not really care to comment that its budget is too low, but I would suggest that recommendations from the MAPAO as to its feelings with regard to its budget should be very seriously considered.

Mr. Chairman: What got my interest was that you are the people who are assessed, your membership are the people who are assessed, not the MAPAO and not its membership. So if your organization suggested that the budgeting should be in your hands, not the Workers' Compensation Board's, why would the WCB object if you wanted more money?

Mr. Gordon: Indeed. I guess what happens is that the amount of money that the industry puts into the WCB for various reasons and the application of that money to the myriad of areas it gets into seems to me what we are talking about. Again, we might talk about the efficient use of the funds.

The question that arose out of the Burkett commission and led to the situation with respect to the organizational structure and the background as far as the MAPAO is concerned was intended to separate the industry and this body, the MAPAO accident prevention committee. It was intended to separate that so that the perception and the reality in the background would be that the MAPAO was not being dictated to by the industry in the sense of what the results were.

I served on the MAPAO board for several years when I worked here in Ontario before. I have a pretty fair idea what it is we used to do back at that time, and I can assure you that as a member of the MAPAO board at that time, I have no difficulty with my company as to recommendations that were made in the safety field. There just was no question. I would suggest that today the same sort of thing occurs, that it is much more a perception and a reality of any industry interference in the MAPAO business in so far as safety is concerned.

But I can understand the need or the reason behind separating those two, and so while we would prefer to be masters of our own fate to a large degree in so far as the money is concerned, on the other hand, that separation perhaps is a requirement.

Mr. Chairman: One final question, and then we will open it up.

Mr. Miller: Can I just ask for clarification?

Mr. Chairman: Certainly.

Mr. Miller: Among the members of the MAPAO committee is there representation from the mining association?

Mr. Gordon: Not as such, but keep in mind that we are all in the same industry, so the people who are on the MAPAO are industry representatives. But there would not be a commonality between the MAPAO directors.

Mr. Miller: Is there anybody from the workforce? I do not believe there is.

Mr. Gordon: This was suggested by Burkett, and there has been a serious attempt by the MAPAO to indeed increase the board with what you might term worker representatives and public representatives as well. One of the problems, as I have mentioned earlier, and a problem as far as industry is concerned, is the perception the public has of what it is we are all about. We feel that if there were some public representation on the MAPAO board, this would tend to clear up the misconceptions that might be there.

There is and has been a real effort by the MAPAO to include union, if you like, representation on the MAPAO. To date, the preference in so far as the unions have been concerned is not to do that, but I do not wish to speak for the MAPAO. Their director is behind us here, but I am sure that the intention in so far as the MAPAO board is concerned is to increase its membership as soon as that could possibly be done.

We want union representation if necessary. Worker representation is what we are really talking about, if you like: hourly rated employee representation throughout the industry in all of these areas. If the true spirit of the internal responsibility system is going to take place, and this involvement and this participation that Ham, Burkett and ourselves talk about, then this has to be an area where representation would occur.

Mr. Chairman: My final question for the moment has to do with one of the recommendations by Burkett. In appendix 6, page 15, there is sort of a series of recommendations by Burkett and the OMA's response to Burkett. Are you with me?

Mr. Gordon: Yes.

Mr. Chairman: On page 15 of appendix 6, recommendation 72. The committee was given statistics that showed that for diamond drill contractors and so forth sinking new shafts, the rate of accidents and assessment was at least three times the industry average, maybe more. Burkett recommended that "a mining company give preference in the awarding of contracts to contractors who have demonstrated satisfactory safety performance; and that the company consider a reward-penalty contract provision related to safety performance on the project."

The response of the OMA, and perhaps you could expand on your response, was, "Initial examination of the issues of reward-penalty provisions indicates that they would be extremely difficult to administer."

Several members of the committee, not just myself, have expressed concern about the accident rate of contractors. Why would this not be a logical thing to pursue?

Mr. Gordon: I think the OMA response is certainly a valid one. It would be difficult to administer in that extent. The question of using economics, as is suggested here, to force contractors to do things that would reduce their injury rate is not an invalid one. We tend, from an industry point of view, to try to monitor that a bit as well. In selecting a contractor for various jobs around the properties, a contractor that has a bad injury frequency rate is somewhat suspect, keeping in mind in the background, when a contractor is on our property, whose responsibility the problem becomes.

Mr. Chairman: Not for the assessment costs.

Mr. Gordon: No, but the question of the safety consciousness and the question of whether the contractor has an injury is a problem in so far as the company that hires him is concerned.

Mr. Chairman: Yes, but if you were responsible for the assessment costs of the contractor, you would sure have a reward-penalty system set up, would you not?

Mr. Gordon: Undoubtedly. I would not refute what you are saying.

Mr. Campbell: If you look at the data, the MAPAO accident statistics, you will notice that the contractors since the Burkett commission have made a tremendous effort.

Mr. Chairman: Where is that?

Mr. Campbell: It is tab 2. If you look at the fourth page in, it is a sheet turned sideways. The printing is practically smaller than my eyes can cope with.

Mr. Chairman: "Mines Accident Prevention Association of Ontario: Injury Statistics, January to November 1987"?

Mr. Campbell: That is it, and you look down a column that is practically in the middle under "Lost-Time Injuries, 1987 Year to Date."

Mr. Chairman: I cannot find that.

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Mr. Campbell: It is just a little bit to the right of the centre. "Lost-Time Injuries, Frequency, 1987 Year to Date."

Mr. Chairman: I do not know. Maybe I am blind. Are we on the right--

Mrs. Marland: It is the first column.

Mr. Chairman: I am sorry, I was on the wrong page.

Mr. Campbell: It is pages 3 and 4.

Mr. Chairman: I was on page 4. OK.

Mr. Campbell: Now, you see that total mine contractors have a lost-time injury frequency of seven?

Mr. Chairman: Is it seven?

Mr. Campbell: Yes, seven.

Mr. Chairman: The 1987 target, right?

Mr. Campbell: The 1987 target was 6.4. I am sorry, I am reading the wrong thing. It was 6.8. Oh, I am sorry, they have it at 9.4. That is right, that 9.4 is the diamond drillers, and you are talking, I believe, about the mining contractors.

Mr. Chairman: Well, both, I suppose.

Mr. Campbell: Diamond drillers are in a class by themselves because of the nature of their work and the remoteness of the location. Practically every accident they have is a lost-time injury because they have to send somebody out of the bush, so what would not be a lost-time injury in another accident would be for the diamond drillers.

The mining contractors have an injury frequency of seven for the year to date, compared with 3.9--let us say four--for the industry as a whole. Considering the nature of their work and the kind of conditions they work in, in remote locations and so on, what I am saying is that they have made a major effort to improve.

Mr. Chairman: It is also only one year's statistic.

Mr. Campbell: We will provide others if you want.

Mrs. Grier: Can you give us the trend?

Mr. Campbell: I can prepare the trend for you, yes. The trend, I can assure you, is down, but I can prepare that and send it to the chairman for distribution, if you would like.

Mr. Reid: Just as a matter of interest, neither the contractors nor the diamond drillers are part of the Ontario Mining Association at the moment. We hope at some point they will be. So we are not speaking for them.

Mr. Chairman: No, I understand that. My questioning really was to get at why the OMA would not encourage its membership to have some kind of reward-penalty system in order to be part of a safety drive.

Mrs. Marland: Mr. Gordon, it has been interesting this morning to hear you mention the fact that MAPAO does not have its public or labour appointments. I guess I was spending some time on that issue yesterday. I think it is very significant that after six years they have not achieved that. I listened very carefully to your comments a few minutes ago, because I understand the problem they have had with labour--and labour has been on and now is not. But I still fail to understand why in six years they have not appointed public representatives. I do not think there is any excuse for that. I think it is their loss and, ultimately, probably everybody's loss because it does affect the credibility. For your comments I think that was quite relevant.

Who are your board? Is it somewhere in this package? If it is, I will refer to it later.

Mr. Gordon: You mean the board of the Ontario Mining Association?

Mrs. Marland: Yes.

Mr. Gordon: We have about 16 members.

Mrs. Marland: And you could give us a list of them?

Mr. Gordon: Yes.

Mrs. Marland: Thank you. To deal first just in the sequence you have presented it, in section 4, on page 2 in the third paragraph, you are talking about what McKenzie and Laskin said in 1987:

"It is also interesting that McKenzie and Laskin stated in 1987, that while many critics of progress in health and safety are sincerely committed to the co-operative approach, some members of the labour movement are ideologically opposed, calling for an expanded inspectorate acting as policemen using prosecutions as the major tool. The fact that this approach, punitive policeman, is still advocated after so many years indicates that some people still do not have a clear understanding of IRS and how to put it to work." Then it goes on: "The term 'acceptable risk' is inflammatory to some people, who interpret it to mean we accept fatalities and injuries as being somehow satisfactory. That, of course, is absolutely false."

When you get to your recommendations, in your first recommendation you say, "the Burkett commission focused attention on the undesirable result of the prosecution policy of the Ministry of Labour." That is page 17. My question to you is, if McKenzie and Laskin are saying that the prosecution and the punitive approach are not a good one, and you are referring in your recommendation to where Burkett says a similar thing, "the undesirable result of the prosecution policy of the Ministry of Labour," I guess I have to ask you, then, how we would have enforcement. How would you achieve enforcement if there is not going to be prosecution?

Mr. Gordon: I think there is a place for prosecutions. Ham and Burkett made reference to that too, that eventually, if the system is not working, for those offenders, as we call them, who are not doing what is supposed to be done through the internal responsibility system, there has to be some control exercised. In that case, for those offenders, I do not have any particular problem with it.

Our concern is that the question of guilt in the sense of what we are talking about here is almost a starting point of what is happening. The end result of that is that the concern we have is with respect to how open people will be in that kind of situation. Invariably, when there is a serious injury or a fatality at one of our operations, immediately we are in a criminal prosecution situation, and people have some concern as to whether or not people are being guarded in what they are saying because of the fact that anything they do say could very well be used against them later in the investigation of the incident.

In the background of that, on the one side we are concerned about the quality of the information that is available. That is in the technical sense, if you like, of our concerns. The other side of the coin is that we firmly

believe that that really is not the way to go about getting the problem cleared up, to work under the threat of prosecution through the system, that that is really not going to allow us to arrive at this co-operative, participative sort of system that we are trying to develop. I think it is a question of degree.

Mrs. Marland: You see, I think your whole presentation today is what I would expect it to be, but what it is, really, is a philosophical statement. It is a statement of how management, administration and labour should work together. It is a statement of what has gone on through the history of mining operations in Ontario.

There was an article in the Globe and Mail yesterday--and I am sure in the other papers, but I read it yesterday morning before I came to the meeting yesterday--where we now know that in spite of a philosophy of the OMA and in spite of the work of MAPAO, we have now, according to--which judge is it? I am sorry. Anyway, it does not matter. Obviously, it was the Inco incident last year. We have a situation here where in spite of, I would suspect, very basic requirements in the mining operation, we had something that was below standard for 10 months.

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I recognize that is one operation, that is one company, and we could sit here like Alice in Wonderland and think there is no other mining operation or no other company in Ontario today that would have a hole in a protective screen for 10 months, but in fact I am sure there are, to different degrees, those kinds of things in every operation probably every day. It would be wonderful if there were not.

I guess what I have to say is that even with, as you have just said, the threat of prosecution, we still have, as in this case, a very prominent company that has just had a judgement rendered against it. But the tragedy is that it is not a judgement rendered against them because there is a lack of maintenance in one area; it is a judgement that had to be rendered against them because four people died.

I can be quite sure that company, and I guess all the companies, as a result of this, for probably the next period of time--and I do not know how long that would be--will keep everything up in those kinds of areas and the safety precautions and everything will be tightened. But it does beg the question when you say in here that there has to be a co-operative approach and less punitive and not confrontational, and yet I have to say to you that even though it is punitive, it is confrontational and the prosecution has been going on, even in spite of that we have an increase in fatalities.

I think it is wonderful that we have a reduction in accidents--I am not failing to recognize that--but the fact that we could have something so serious as loss of life, which obviously from this decision had a direct cause, I have to ask you again, because I do not hear your answer, about what the alternative is. It is like municipalities having bylaws; if they are not enforced, they are meaningless. If we have requirements for safety in operation in mines and it does not happen even with prosecution, then I do not know how you would suggest it does happen unless you just come back to the internal responsibility system.

Mr. Gordon: I am afraid that would be where I would end up. I do not wish to cop out with respect to the incident at Inco. I must admit, though,

that my knowledge of that is what I read in the paper. I have not been involved in the investigation part of it. I really would not care to comment on just what I have read in the paper with regard to that, but indeed that is what I would have to do. You have answered it for me.

There are problems and there will be, Mrs. Marland. I would be misleading you if I were to suggest that we are not going to continue to have some problems. What we are looking for is a solution to how the conditions that lead to these problems can be rectified. Indeed, the approach from a prosecution point of view is proving that it is not an answer, and indeed is setting up an environment which does not allow us to build the internal responsibility system to the degree that it should be.

It is somewhat philosophical in that sense, but there have been major gains, as you pointed out yourself, with regard to the number of injuries and the injury frequency. As to why there is an increased number of fatalities, we really do not know. That is one of the things we are struggling to find out ourselves, but the environment that has been leading to a reduced number of injuries over quite a number of years, we think has been developing into a good, positive one. Our concern is that bringing this threat of prosecution into that is going to destroy an awful lot of what we have been trying to do over a period of time.

When you say that 1987 was a disastrous year from the point of view of the fatalities in the industry, I do not question that at all; you are quite right. What we are trying to do is to decrease those as much as we can, to set up the environment and the conditions, the state of mind and the attitude that will allow the people who are involved to avoid having the injuries that lead to fatalities or avoid the incidents that lead to the fatalities.

That is really not answering your question. I apologize. If I had that answer, we would not have to have this meeting today. I really cannot help you much more than that.

Mrs. Marland: Mr. Chairman, I realize other people have questions. I will ask just one more at this point, in order to be fair.

Are there any major differences between mining operations in Quebec and in Ontario, to your knowledge, in terms of procedures?

Mr. Gordon: No. The types of various mining methods are not unlike; the same sort of people are moving back and forth across the province.

Mrs. Marland: The reason I ask is that on page 14, where you are dealing with the productivity bonus aspect, you refer to an OMA survey of its members regarding bonus. It says, "The results of this survey indicated that bonus did not influence accident rates, but we suggested to Burkett that a more systematic study be done." You then contracted consultant Dr. Peter Moon to conduct that subsequent study, and you say, "The main conclusion of this study was that 'bonus and no-bonus accident rates are not significantly different on the same set of jobs.'"

Then you go on to refer to the Laval study by Dr. Noel Billette and Marcel Laflamme, and you acknowledge that this was a more extensive study than Dr. Moon had done. What you have extracted from the Laval study is at the top of page 15, primarily that "the most tangible factors affecting accidents seem to be the introductory training and subsequent retraining at regular intervals," and also "that bonus is linked to the main activity of the miner, not to accidents." I guess that is the statement of how it works.

I read this Laval report and I know that some of it is a little inconclusive, but it also says right at the beginning of it that the Laval study "showed a significant correlation between production bonus and accidents for activities related to production." That is why I asked you if the type of production in Ontario and Quebec is similar. This study, in fact, is saying that there is a correlation, and yet in your statement on page 15, you are saying there is not.

Mr. Gordon: We have a little bit of a problem here. There were two studies that were made; this initial one, which I think you have a copy of, and then there was a subsequent study, a much more in-depth study.

Mrs. Marland: Oh, at Laval?

Mr. Gordon: What we have done is pick out these quotations from that second study, and we are really talking about two different animals here. This is our problem. I think what we should do is ensure that the committee has a copy of the second study, which is much more extensive than the initial one.

Mrs. Marland: Was the second study done by the same two men, Billette and Laflamme?

Mr. Gordon: Yes.

Mrs. Marland: So the second study was done at Laval then?

Mr. Gordon: Yes.

Mrs. Marland: That is interesting, but we do not have that.

Mr. Gordon: We will ensure that you do have a copy.

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Ms. Collins: At the top of page 5, you talk about the MAPAO numbers being different from the Ministry of Labour because the ministry includes other groups than the ones covered by MAPAO. You mentioned earlier contractors and diamond drillers. Are there any other groups besides those two that would not be included?

Mr. Campbell: The Ministry of Labour has responsibility for all pits and quarries and smelters. For example, I believe the blast furnaces in Hamilton are in their jurisdiction, but probably the biggest effect I know of anyway is the pits and quarries. I think if you look back, as I recall, the Ministry of Labour's statistics showed the people and the number of operations they covered. I am recalling from memory, and I may be wrong, but I think they referred to 6,000 operations that are not in our group, what we call mining. It has to do with the Workers' Compensation Board and the way the board has organized industries. We are in what is called class 5. There are eight rate groups in class 5 and that is what we call the mining industry. Class 6 is the pits and quarries.

Ms. Collins: Are the contractors and diamond drillers covered by MAPAO?

Mr. Campbell: They are covered in class 5, yes.

Ms. Collins: Under the MAPAO?

Mr. Campbell: Yes. Could I turn around and just confirm that? Diamond drillers and mining contractors are in your group?

Mr. Coughlan: We service those industries, yes.

Mr. Campbell: Yes.

Ms. Collins: OK, but they are not in OMA?

Mr. Campbell: Not in the OMA, no.

Ms. Collins: Also, you mention here that the WCB has a different definition of accident than the accident prevention association. Is that correct?

Mr. Campbell: Yes.

Ms. Collins: Can I ask you what the two different definitions are?

Mr. Campbell: For our purposes of accident prevention, we are talking about traumatic injuries. The compensation board is now starting to use the term "claims paid" rather than accidents, because if a person has, for example, white finger disease--"vibration-induced white finger" is the technical term--or hearing loss, or silicosis, or lung cancer or whatever, they count that as a claim paid.

We have had a problem in our industry with silicosis. The WCB has told us that with the ventilation systems and dust control measures, that problem has really ended. You are probably aware of the Muller studies on lung cancer in gold miners. We are told that has probably ended too. Our accident rating, if we use the WCB definition, is going to skyrocket next year because of the board allowing these lung cancer claims. It will not show up in the MAPAO statistics because it is not a traumatic injury. This is something that was caused prior to 1945 and the bill will come in in 1988.

Ms. Collins: Even in regard to claims such as hearing loss, I would think the accident prevention association would be looking at that type of problem and trying to find ways to reduce those types of claims.

Mr. Campbell: Very definitely. These are expensive and unpleasant. Very definitely, we are looking at all these things. Vibration white hand is the second-biggest problem; hearing loss is the first. We are certainly looking at that, but you have different strategies for preventing hearing loss. You have different strategies for prevention of industrial illnesses than you do for traumatic injuries. The reason for looking at statistics is to help you determine your strategies. If you mix everything together, you do not know what you are doing. You have to separate the two.

Ms. Collins: Is that all relevant to your third recommendation, with respect to agreeing on definitions for statistical analysis and reporting, on page 17?

Mr. Campbell: Yes. Absolutely.

Ms. Collins: You would like to see, for traumatic accidents, a common statistical basis to work with.

Mr. Campbell: We had a little discussion a couple of days ago about

how many fatalities there actually were in this area, and Mr. Wildman was looking at one set of numbers and we were looking at a different set. It was an argument between whether it was 17 or 40, I think. I have forgotten the exact numbers.

There is a perfect example of the problem. The WCB will mention the number of fatal claims paid, which is a perfectly correct figure. We might have, and we did last year, 17 fatal accidents, but I have forgotten how many claims they paid. If you divide accidents and illnesses, that is the first basic division and Mr. Stephens mentioned that. He did not mention that each of those should be divided into another two, because a person who is on a 100 per cent disability pension, if he dies for any reason at all, it becomes a fatal claim paid. The board treats that as a fatal accident.

According to the compensation board--I want to emphasize I am giving hypothetical numbers here--we could register 10 traumatic injuries that resulted in death and those would be 10 fatalities in our language, but the board could pay 20 fatal-injury claims because there might be 10 people who had an injury which resulted in total disability--let us say it is a paraplegic, as an example--and if that paraplegic has a heart attack or is hit by a truck or something, that becomes a fatal claim paid and it shows up in the board's statistics.

It is exactly the same with the illnesses. If a person is silicotic and is 100 per cent disabled, he gets a 100 per cent pension. If he gets hit by a car, we would not count it as a silicotic fatality, but the board would, because it is a fatal claim paid.

As we break these things down, this all helps us to devise not just strategies but priorities. Obviously, we want to attack the worst problems first. It is very important.

Ms. Collins: The other question I had was in regards to the bonus system, but I have lost the page. Somewhere in here it said there were other studies done on the bonus system, but I did not quite understand whether they were done by the Ministry of Labour or done by health and safety committees and then submitted to the Ministry of Labour.

Mr. Gordon: Those were done through the Ministry of Labour by various health and safety committees at a number of operations. Those safety committees were given the option of just how they would go about doing that study. In some cases, it was a matter of statistical work. In other cases, it was a matter of discussions with fellow workers and so on. Essentially, they came up with the same answer, that there was no correlation.

Ms. Collins: I take it that our committee does not have a copy of that study?

Mr. Chairman: No. I made a note in my book too because in your brief you say, Mr. Gordon, "We did not see that the report of the ministry on this issue was given to the standing committee. This could have been oversight." I do not understand that either. I would appreciate your comment there.

Mr. Gordon: There is a report about, and obviously you should have access to it.

Mr. Chairman: We should see it. Yes, I agree. For sure, we will try to dig that up and get it around to members. I appreciate your bringing that to our attention.

Just in follow-up to what Ms. Collins said, did you say that the mining contractors are in the same rate group as, for example, as Inco, Noranda and Falconbridge? They have their own rate group.

Mr. Campbell: They are in the same class, but they have a different rate group. There are eight groups in class 5. Class 5 is the mining industry, in which there are eight rate groups.

Mr. Chairman: Would you be happy if we recommended that they be put in your rate group? Just for fun.

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Mr. Campbell: I would certainly like to look at the numbers. This has been suggested, that perhaps there should be only one rate group for the mining industry. One of the things we are looking at is an experience rating plan. We are feeling our way into it.

It has turned into a bit of a monster at the Workers' Compensation Board to get the machine programmed. This is what we are told is the problem anyway about getting a program that is going to work to give us an experience rating fee. The combination of experience rating and integration of all the rates might be an interesting thing. I do not know. The object is to provide a financial penalty to make people change behaviour and whether that will do it or not, I just do not have the slightest idea.

Mr. Chairman: I was thinking it would perhaps bring the pressure of the other firms in the group to bear on the bad actors, if you will, to make improvements.

Mr. Campbell: The pressure is being brought to bear.

Mr. McGuigan: I am quite interested in the internal responsibility system and the controversies that seem to surround how it should work. If we just take a theoretical case, staying away from names of companies and so on, suppose a hopper is filled with broken ore and that ore is supposed to be dry because that affects the movement of the ore, but somehow or other somebody let some water get into it and the hopper is partly filled with water. Someone there, to my mind, did not take his responsibility in that internal responsibility system.

Another person was doing some maintenance work and he shut off a particular part of that without thinking he was endangering anybody because there was a second backup that was supposed to work. In his mind, it was not a very serious item.

Down farther in the mine there was a screen that was supposed to stop ore from rushing through to another part of the mine, but it had a hole in it. Obviously, the person down there in charge of that went by that hole for several months and the hole in itself would not have been seen as a very serious thing because it would be only under unusual circumstances that the screen would ever be put into place or would ever be called upon to do a function. Then there were some men working in an area on the protected side of that screen and they obviously thought they were quite safe or they would not have been there.

With the whole combination of events, the material, the rock with the water in it, was dumped and therefore went much faster and did not give any

warning to the people down below that it had moved much faster. It dropped as a unit and then it hit a deflector that was supposed to more or less dribble this material but it shot it over because of the water in it and then the thing hit the screen. I guess in my mind it would be questionable whether that screen would have held it whether there was a hole in it or not. Of course, not seeing the weight of the screen, I do not know how heavy the screen would have been. I was wondering whether that screen would actually function with a hole in it or not.

Anyway, the consequence of all those failures results in the deaths of a number of people. Obviously, the system did not work. You come back to the responsibility of the mine operators to try to clean up this situation. Could you come along and say to whoever was responsible for that water, "This is intolerable; we simply cannot have water in that ore"? He could be fired. He could be charged. He could have a reprimand against him. He could have pay docked or whatever. Then right down the line, the person who was responsible for that screen could be approached in the same way: "This is intolerable. You cannot do it."

If you did that, what sort of position would that put you in with the union whose legitimate job is to protect its workers? I do not quarrel with the legitimate job of a union trying to protect the jobs of its workers. What would happen if you carried out such a program, saying, "This is intolerable and you have to pay for it"?

Mr. Gordon: Pay for it in what sense?

Mr. McGuigan: Some sort of reprimand.

Mr. Gordon: Indeed, the disciplinary system in our operations, being industry operations, could have an effect on that. There could very well be, given there are certain procedures that are supposed to be followed. If these procedures are not followed, then some sort of disciplinary reaction would take place. The question of whether or not this is good or bad from the union point of view or whether it is good or bad from a prosecution point of view through the Ministry of Labour is another question.

I do not wish to be at all facetious, Mr. McGuigan, but one of the things you did not mention in these other things is the confidence, the trust, if you like, to a large degree in being your brother's keeper, which is part and parcel of this internal responsibility system as well. When that fellow who may or may not have been responsible for the water going in--I am not at all sure that in the hypothetical case you are talking about any one person would be involved. There could be umpteen reasons why that might have happened. None the less, in the background of that sort of thing is the question you did not raise. In this fellow's mind, what could be the result of this type of thing happening?

That is what we are trying to do through this state of mind, this awareness kind of thing we are talking about, to have those questions asked prior to the incident happening. How do we do that? This is much the same as my answer, I am afraid, to Mrs. Marland, that it is that state of mind, that environment, that situation whereby people will say: "What if? If I do this, the result is going to be that and what does that mean?" That is what we are trying to get established, not by dint of being forced into it because of a threat of something in the background but because that is the way it should be done. I am my brother's keeper and this is the way it should be. If the situation were reversed, I would want him to think about me in that same way.

That is philosophical and I am sure in certain instances sounds a bit naïve, but if the system works properly, it has to be that kind of environment to really make it work.

Mr. McGuigan: I was disturbed yesterday to hear from Mr. Briggs representing the Mine Mill and Smelter Workers Union. I gather he was saying that in union negotiations, if the union gains a safety representative--that is assuming the safety rep is entirely paid by the company and he does not do any work other than look after safety--if it gained that in its negotiations, that was going to cost the union something in another phase of the negotiations and it was going to come out of his pocket. I was sorry to hear him say that there is a price on safety, but obviously you have that attitude in the mining community.

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Mr. Gordon: I do not think, Mr. McGuigan, that is just peculiar to the mining communities. We all, regardless of where we are, try to protect our turf and that is part of the business, I suppose. It is very much, at that level, a question of management and union. It makes no difference whether it is at the level of the supervisor and the fellow who reports directly to him or at this other level we are talking about, that this degree of co-operation and trust, that environment, has to be established.

We have a fair distance to go, obviously, but if we are all trying to arrive at the same conclusion, a reduction to the bare minimum of injuries and certain fatalities, then we have to keep trying to work this out. We do not know of a better way to do it.

Mr. McGuigan: Since some companies have adopted safety reps, I am wondering whether that should not be recommended to all companies and be done separately from union negotiations. Again, yesterday we had evidence that safety pays.

Mr. Gordon: Indeed, it does.

Mr. McGuigan: It pays both within the safety association and it pays in the broad context of mining; profits are going to be hurt by accidents. I am wondering whether you could not eliminate that point of friction by taking that away from union negotiations.

Mr. Gordon: We would much prefer, certainly from an industry point of view, that be the case, that it be apolitical in the sense of either management or union. This worker representative has to be as objective as he possibly can.

There are differences of opinion within the organization, the association, that we recognize, but perhaps it is of some interest that in my own operations, for the three operating ones we have in the province, two ex-local union presidents and one ex-local vice-president are the worker reps at those properties. In our case, it works very well. I am speaking of Noranda now. There are some differences of opinion within our association and we recognize the fact that is the case. It happens to be that in our case it works very well.

We have managed to avoid the situation to quite a large degree of the worker rep being biased one way or the other, we think probably because of where he came from. You could hardly get three people who knew the rules better than two ex-presidents and an ex-vice-president.

Mr. McGuigan: That reminds me--this is somewhat removed from your operation--down on Lake Erie where I live, there was a big controversy between the government and commercial fishermen, so the commercial fishermen appointed one of their own people to be the policeman. It worked beautifully.

Mr. Gordon: That is the kind of background we are talking about.

Mr. McGuigan: There is no simple solution to the internal responsibility. It is education, attitudes, working--

Mr. Gordon: Perseverance and a belief, Mr. McGuigan, that this is the way it is, that this is the answer.

Mr. Chairman: I had a couple of short questions I wanted to ask that I held back on for just a time. One has to do with a couple of your recommendations. The first is number two on page 17 in which you state, "Perhaps we should give some social scientists a chance to look at the problem." Has the OMA thought about undertaking that?

Mr. Gordon: We are in the process of thinking about it. This is a somewhat different tack than we have been accustomed to, as you can appreciate.

Mr. Chairman: Is someone not doing an attitudinal study right now?

Mr. Reid: The MAPAO has a study at Dome Mines in Timmins.

Mr. Chairman: The fatalities committee has one.

Mr. Reid: Yes, but it is getting done under the aegis of the MAPAO.

Mr. Chairman: Right.

Mr. Gordon: That is a somewhat like a pilot study, and we are interested in the results of that.

Mr. Chairman: The other was recommendation 6. I do not know what you mean by the very last sentence. You are talking about the expected rate of fatality in the statistical sense in the population and you are talking about northern Ontario. When you say "both rates," you are talking about the fact that the male population in northern Ontario as a whole is not different from that of miners. "Both rates are more than half again as high as in the south. The committee should address this question." We might very well like to, but I do not know what it means. I do not know what you are suggesting there.

Mr. Reid : The standard mortality rates show that more people die from violent means, if you like, traumatic means, in northern Ontario, almost half as many again in car accidents, all kinds of other things. I guess that is related to your first question in terms of attitude and lifestyle and approach to life generally.

As a northerner myself, we used to take some pride in our sort of macho living in the north, a braving-the-elements sort of approach to life, and there may be a correlation between the way people conduct themselves, both on snowmobiles, if you like, and so on and the way they perceive their jobs. There may be a correlation in attitudes and patterns that leads to this disparity between the mortality rates in northern Ontario and southern Ontario, which may give us, again from a social science point of view, some handle on why some of these things happen.

It recalls to mind, Mr. Chairman, that you and I some years ago were on a committee of this Legislature looking at car insurance, in which the insurance companies, among others, indicated that accidents are sometimes caused by momentary lapses of concentration. We were talking about car accidents. They were not predestined or anything else; somebody looked out the window the wrong way or was concentrating on something else. There may be something to this whole area that should be investigated.

Mrs. Grier: The death rates in the north due to accidents, poisoning and violence, are they significantly higher than similar rates in southern Ontario only with relationship to the male population?

Mr. Campbell: We looked at the male population because almost all miners are male.

Mrs. Grier: It seems to me that throughout, the logical extension of much of what you have said this morning is perhaps to address that particular issue.

Mr. Reid: That is what we are suggesting, maybe not quite as clearly as you have just put it. All of these things sound good in theory until you start breaking them down, as we were discussing about the definition of what an accident is or is not.

The mortality rates in northern Ontario, which often take in the Indian population, for instance, which has a much higher standard mortality rate than the rest of the population, also skews the figures. These things have to be examined fairly closely, so that we are not talking about apples and oranges. Presumably, there has to be some reason, if it is almost half as much again in northern Ontario, for whatever group, as it is in southern Ontario.

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Mr. Chairman: On page 5 of your brief, there are a few statistics dealing with age and experience. I do not know what the first one is. You say, "Two thirds of the injured workers were 26-45 years old, and less than 10 per cent were under 25." It does not mean much as bald numbers unless we know the rate. For example, what proportion of your workers were 26 to 45? Do you understand what I am saying? You are just using absolute numbers. I would suspect that the vast majority of your workers are 26 to 45. Do you have a breakdown by age on rate of accidents?

Mr. Gordon: There is a series of statistics under appendix 2 which looks at these things in almost any direction you would like to.

Mr. Chairman: If they are there, we can look at them later.

Mr. Gordon: They have a very good breakdown, with the numbers of people involved in each of the age brackets.

Mr. Chairman: OK. As a proportion of the workforce?

Mr. Gordon: Not as a proportion of the workforce; as a proportion of the total number of injuries. For proportion of the workforce, you could break into these numbers from that. These are the total number of people who have been injured, what age bracket they were in, what type of injuries they sustained and that type of thing.

Mr. Chairman: Do you understand what is bothering me?

Mr. Reid: If you have 90 per cent of your workers between 25 and 45, obviously they are going to have, on a statistical basis, more accidents. But I think you can back into those numbers. There is no doubt that because the industry suffered a very severe recession, probably more severe than the rest of the economy, from 1981 to 1987 really, a lot of the younger miners were laid off because of the problems of the economic situation. I think you will still find that if you look at a lot of these statistics, and I suspect if you looked at them in other jurisdictions, you would find the same type of things.

Again, it may be related to attitude, that somebody who has been on the job for 10 or 15 years tends maybe to take things a little more for granted than somebody who is trained. It is made quite clear to them, "There are hazards around here and you have to be aware of them." If you walk past Mr. McGuigan's open hole for 15 years, you do not see it after a while. That may or may not be the explanation.

Mr. Chairman: My final question is a philosophical one, an appropriate note on which to end. It has to do with the mindset of the Workers' Compensation Board, the Mines Accident Prevention Association of Ontario, the Ontario Mining Association and perhaps unions as well. That has to do with the numbers of people in the industry who die as a result of a traumatic incident rather than a compensable illness contracted by working in the mines, in the industry.

I am wondering if the OMA is trying somehow to deal with that. I do not say this in an accusatory way because it has sort of crept up on us all. Ham was the one who really brought it to our attention. I am wondering whether the OMA has had any discussions about that, whether you have any group within your organization trying to come to grips with it.

Mr. Reid: We probably should have included some of our annual reports to give you a breakdown of who we are and what we are. We have 12 committees of the Ontario Mining Association which deal with everything from tax to the environment, but we have a very strong and active occupational health and safety committee. It was headed by the doctor from Falconbridge, who I think you know, Mr. Chairman, who is very concerned about these issues. Last year, we had the first-ever occupational health and safety seminar in Sudbury, to our knowledge the first in any jurisdiction, that dealt strictly with the mining environment. We are having the second one in March, and perhaps some of you would like to come. There will be a small admission charge we might even be able to waive.

Mr. Chairman: Where is it?

Mr. Reid: In Sudbury, March 3, 4 and 5. We are concerned about that aspect of it and we are working as diligently as we can. About six months ago, the chairman of the occupational health and safety committee reported to the board of directors of the OMA on the committee's work and his concerns about industrial diseases. As I say, we are aware and we are working on that.

There are a lot of fronts to deal with. I think we see some hope in the fact that people collectively are starting to put the whole environment together in terms of health and environmental causes and occupational diseases so that we are dealing with a whole rather than a piece up here and a piece up here and a piece up there. The trick is to try to see the whole thing as a spectrum and understand the influences that each bears upon the problem while at the same time delineating those areas in which you can do something specific on the continuum.

Mrs. Marland: You have actually summed up very nicely, Mr. Chairman.

In your fifth recommendation, Mr. Gordon, you say you would like to see more funding by government for the research area. You are saying that the mining industry is "conducting and funding a great deal of research" but you would like to see more funding by government. I know the argument would be that it is government's responsibility to do whatever it can for the people who live in Ontario and may happen to work in the mining industry, but obviously, if the mining industry was not profitable, it would not exist. Mr. Reid is laughing.

Mr. Chairman: We ignore Mr. Reid's laughter.

Mrs. Marland: It is not going to exist for the pleasure of providing employment, I am sure, and government is expected to fund everything today.

Mr. Miller: How about agriculture? It is providing just as many jobs.

Mr. Chairman: Would you stop teasing the bears and let Mrs. Marland get to the point of her question?

Mrs. Marland: It is also having government funding.

When you mention more funding by government, has the mining industry formally made a request for amounts of money and been declined? That is a very generalized, sweeping statement and you are as much the government as we are, as a matter of fact, because it is all our money.

Mr. Chairman: A very good statement.

Mrs. Grier: More so than some of us.

Mr. Gordon: Not at this time, as far as a specific total dollar amount. We have had very good co-operation with the government--and particularly through Dennis Tieman who was here; he is gone now--in the setting up of both the mining research directorate and the chairs that have been established at Laurentian University of Sudbury, Queen's University and the University of Toronto. The government has a lot to do with it.

We will be identifying, as part of the process of the mining research directorate, those areas we feel we can zero in on rather than the host of things that could be done. We want to get a few that we can do something with. We intend then to come back to talk to the provincial government and the federal government through the Department of Energy, Mines and Resources with regard to where they can fit into this area. We will have a definite proposal at that time. If we a \$5-million program, government can perhaps come in for a percentage of that. We pay a lot of taxes--we do not wish really to extend the committee hearing on this--and we are looking always for a return on the investment that we are making in government.

Mr. Chairman: Thank you, Mrs. Marland. Lorraine Luski, our research assistant, had a point.

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Ms. Luski: I have a question for Mr. Campbell, if he could turn to tab 2, pages 3 and 4 on the injury statistics.

Mr. Campbell: Yes.

Ms. Luski: I wanted to return to the question of contractors for a moment, if I could.

Mr. Campbell: Yes.

Ms. Luski: The total lost-time injuries for contractors for 1987 is 9.4. Correct?

Mr. Chairman: Down at the bottom.

Mr. Campbell: The total? What was that again?

Ms. Luski: The total lost-time injuries for contractors for 1987.

Mr. Campbell: The total rate and the total frequency? For total contracting, yes.

Ms. Luski: Yes, the 9.4.

Mr. Campbell: Yes.

Ms. Luski: That compares with 3.9 for the mining and contractors as a whole, correct?

Mr. Campbell: Yes.

Ms. Luski: Is 9.4 a very high rate?

Mr. Campbell: The 9.4 is certainly a lot higher, almost three times as high, a little over twice as high anyway, as for the industry average. If you look back on the previous page, at the other parts of the mining industry excluding contractors and diamond drillers, it was 3.2, so 9.4 is almost three times.

Ms. Luski: So that is of significance.

Mr. Campbell: That is correct.

Ms. Luski: OK.

Mr. Campbell: The bulk of that, of course, is in--the reason it is 9.4 is because diamond drillers have a rate of 14.4, whereas mine contractors have 7.0.

Ms. Luski: Turning to the next page, to fatalities: These are just absolute numbers now; we are not talking percentages. There were four fatalities for contractors out of a total of 15 for mining and contractors.

Mr. Campbell: Yes.

Ms. Luski: So about 26 per cent of your fatalities in 1987 for the period January to November are for contractors.

Mr. Campbell: Right.

Ms. Luski: Is that considered a high percentage in the industry?

Mr. Campbell: Mining contractors generally have a higher rate than the mining industry, a higher fatality rate. Whether 25 per cent is--

Mr. Chairman: They would not have 25 per cent of the work force, would they?

Mr. Campbell: I am sorry?

Mr. Chairman: They would not have nearly 25 per cent of the work force?

Mr. Campbell: No. We have the numbers on the size of the work force included in those sheets too.

Mr. Chairman: All right.

Mr. Campbell: I must admit that I do not know exactly what the accident rate over a long term, over a reasonable length of time, is for mine contractors compared to mining, but I know it is higher.

Mr. Reid: The Mines Accident Prevention Association of Ontario would have it.

Ms. Luski: That is fine; thanks.

Mr. Campbell: If you want me to send you those numbers, we certainly can arrange to do so.

Mr. Chairman: Perhaps we were a little nervous, at least I was, about your response on the contractors. It seemed to be sort of, "You know, things are getting a lot better." Yet everybody else was telling us what a disaster the contracting industry is, the mining contracting and diamond drilling industry.

Mr. Campbell: What I was trying to say to you--I did not mean to make you nervous--was that I got the impression from what you were saying that you thought the mining contractors were a disaster, are a disaster and are going to be a disaster unless we do that little suggestion you made about the contracts. I was trying to point out that since the Burkett report there has been pressure applied and they are doing something about it and they are getting a result. They do not see the result in their compensation assessment yet; you started off on that premise.

Mr. Chairman: Right.

Mr. Campbell: We do not either.

Mr. Chairman: No. It was pointed out very clearly that there are so many other things adding to the increased compensation costs that experience rating and other things like that are not having an effect on assessment.

Mr. Campbell: That is right.

Mr. Reid: If what we are about is to prevent accidents and fatalities, we should not in my view, as a personal one, be using compensation numbers because they do not--you are talking about what is being paid out for

claims that have the definition and an expansion that are unrelated to trying to prevent accidents and, if you like, some industrial diseases. We keep losing sight of what it is we are trying to do, which is to prevent accidents and fatalities. The numbers the Workers' Compensation Board throws up are not always particularly helpful in that area.

Mr. McGuigan: We probably have covered this before but I may have missed it. Are the contractors in the Mines Accident Prevention Association of Ontario? They are part of it?

Ms. Luski: Yes.

Mr. Chairman: They are part of that, but not part of the Ontario Mining Association.

Mr. McGuigan: But they are part of the other.

Mr. Chairman: Yes.

Mrs. Grier: Are the figures in tab 2, WCB figures?

Mr. Campbell: No, these are MAPAO figures. What we used to find was that the trend lines for the MAPAO numbers would track the WCB numbers, but be maybe 20 per cent lower. The reason for that is that the WCB also keeps track of inactive employees. We will have a claim registered for 1988 where the company has been out of business since 1970 but the person is putting in a claim for an injury which occurred prior to the company going out of business. It shows as an accident in 1988, or we have what we already discussed, the industrial illnesses.

It used to be that the numbers tracked fairly closely, but the WCB a little higher. That gap is getting bigger and bigger as we get more nontraumatic injury claims, more hearing loss, more of all kinds of things.

Mrs. Grier: If these are not WCB figures, the little bit of comparison that is possible where there are some 1987 year-to-date figures and lost-time injuries in 1986, the trend is in fact to a larger frequency in 1987 as in 1986 for diamond drill contractors and not much change--the total is up from 8.1 to 9.4.

Mr. Campbell: Yes.

Mrs. Grier: I guess I had understood you to say earlier that the trend was downwards.

Mr. Campbell: For the mining industry.

Mrs. Grier: For the contractors.

Mr. Campbell: For the contractors? The mining contractors had a year-to-date 1986 figure of 7.3 and it is 7.0 this year.

Mrs. Grier: But total contracting.

Mr. Campbell: There are two groups.

Mrs. Grier: I recognize that.

Mr. Campbell: Two groups, diamond drillers--

Mrs. Grier: The major increase in the diamond drillers has gone from 10 to 14.4.

Mr. Reid: That is what raised the final figure.

Mr. Campbell: In the diamond drillers, that is correct.

Mrs. Grier: That has raised the final figure. The improving trend you indicated earlier is only in relation to mine contractors?

Mr. Campbell: That is correct.

Mr. Chairman: I think Ms. Collins had an appropriate question.

Ms. Collins: Is there an organization that represents contractors in diamond drilling?

Mr. Campbell: They have their own safety association. I do not know of an equivalent of the OMA for mine contractors. I do not believe so. They have a safety association. Every district in Ontario has its own district safety association in addition to the MAPAO which is province-wide. Sudbury has one, Elliot Lake has one and so on. Besides that, the diamond drillers have their safety association and the mining contractors have theirs.

Ms. Collins: I hope, Mr. Chairman, that we hear from them.

Mr. Chairman: Yes, I think that is a good suggestion because they are being talked about every day, mentioned in dispatches, as it were.

Mr. McGuigan: Speaking of dispatches, if you want a real example of a successful internal responsibility system, read Pierre Berton's book on Vimy Ridge. It is about the way 150,000 men, British and French, were wasted attacking in frontal attacks and then the Canadians came along with a training and internal responsibility system and they took it.

Mrs. Grier: They lost a lot of people in the process.

Mr. McGuigan: Yes, 10,000, but the other figures were away over the hundreds of thousands. I am not suggesting mining is as dangerous as war, but it is a hazardous occupation. The reason they kept their casualties down was the fantastic training and internal responsibility system they had.

Pierre Berton made a comment I had never seen before. He said this of both opposing armies. The only reason that kept soldiers attacking each other was not ideology or philosophy or anything else. It was their attachment to each other. That was the only thing that kept them going. There is the responsibility one miner has to another. A Canadian general whose name escapes me at the moment--he was an amateur, not a professional soldier--put this whole thing together and they took Vimy Ridge with 10,000 casualties I think the figure was 160,000 that had been wasted.

Interjection: Sam Hughes.

Interjection.

Mr. Reid: That is after you read our entire brief.

Mr. Chairman: Mr. Miller, final question.

Mr. Miller: Final question, yes. I would just like to say it is an excellent brief presented by the Ontario Mining Association this morning with a lot of detailed work and it is going to be very useful. It is obvious that the OMA is concerned about health and safety. There is one last recommendation, literacy. I wonder if you would expand on what role this committee might play in making recommendations in this regard.

Mr. Gordon: I think, Mr. Miller, what we were--I do not think; I know--getting at with respect to that is that as time goes by, we are becoming more technologically involved in the mining end of the business, with more and more equipment that requires a higher degree of background education for people to adapt to it. It is in that area that we are interested in increasing the level of background education.

Mr. Miller: What about the ones who do not have the ability to deal with it or to update their skills; a certain percentage have the talent and some do not.

Mr. Gordon: That is it exactly. Our training programs identify that. Those people then are routed into areas where they can handle the jobs. You are quite right. We want to be sure we get a proper match. We would like to increase the overall level.

Mr. Reid: Mr. Chairman, I see you are about to bring down the gavel.

Mr. Chairman: This is true.

Mr. Reid: We know you are going to be travelling in northern Ontario and southern Ontario. We would be very happy to facilitate any of those visits. As well, after you have made your tour and heard from other people, we would be more than willing and glad to come back. I am sure further questions will have occurred to you. We will go back to our office and think of some brilliant things we should have said as well.

Mr. Chairman: Thank you very much, Patrick. Mr. Gordon and Mr. Campbell, we appreciate very much your presence here this morning. The brief, while voluminous, is no more voluminous than it needs to be, given the nature of our work. We appreciate very much the effort you have put into this and your attendance here today. We might indeed get back to you at a later time.

Mr. Gordon: We hope you find it will be of help.

Mr. Chairman: We will adjourn now until this afternoon.

The committee adjourned at 12:35 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

THURSDAY, JANUARY 28, 1988

Afternoon Sitting

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witness:

Individual Presentation:

Calder, Dr. Peter, Head, Department of Mining Engineering, Queen's University

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday, January 28, 1988

The committee resumed at 2:16 p.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: The standing committee on resources development will come to order as we continue our look into the number of mining accidents and fatalities in Ontario. This afternoon, we have Dr. Peter Calder, who is the head of the department of mining engineering at Queen's University. Other people have mentioned his name in passing, so he is an acknowledged expert in the field. We are pleased that you are here, Dr. Calder. Welcome to the committee.

DR. PETER CALDER

Dr. Calder: Thank you very much, Mr. Chairman. It is certainly an honour to be here and take part in these important deliberations. I do not know if you would like me to take a few minutes just to give you some of my background and perhaps some of my thoughts on the different issues as I see them in this regard.

Mr. Chairman: That would be helpful.

Dr. Calder: In terms of my background, I am a mining engineer and a consulting engineer and do practise in the field of ground control, as well as being head of the mining department at Queen's University, which is the largest mining engineering school in Canada. I am formerly the chairman of the National Advisory Committee on Mining and Metallurgical Research, mining subcommittee. I am currently a member of the board of directors of the Mining Research Directorate and a member of the technical advisory committee of Mitec, the Mining Industry Technology Council of Canada, on the mining section.

I grew up in the town of Springhill, Nova Scotia, which in the 1950s suffered two very severe mining disasters, the first of which occurred in 1956 and involved more than 50 fatalities, and the other in 1958 in which more than 80 men were killed. In a town of 7,000 people, this has a major impact, so mining disasters have had a big impact on my career and my motivation to be in the mining engineering profession.

In terms of some of the initiatives I have seen taking place recently, I would like to comment, first, on the three chairs which have been established by the provincial government, at Laurentian University, the University of Toronto and Queen's University, in the field of ground control. I think this is a very commendable initiative and it is a step in the right direction.

In terms of research funding, some of the positive developments I have seen include the university research incentive fund. It has certainly helped us in the university to acquire more funding in mining as well as in other areas. We have had some ongoing industrial organizations, such as MIROC, the Mining Industry Research Organization of Canada, which has been helpful from a mining point of view.

However, compared to other engineering professions, I feel that mining has been at a disadvantage in total, for several reasons. First, at the federal level, the Natural Science and Engineering Research Council does not have a committee related to mining research. Our research proposals are reviewed by civil engineering committees and chemical engineering committees which often do not appreciate the mining engineering problems we are trying to deal with. As a result of that, the success rate for university funding of mining-related research from that source has been low. This is a common complaint, I think you will find, from university people across the country. One positive step that can be taken to change that would be to establish a committee dedicated to mining research if we want to do more in that area.

Also, as far as the Canadian Centre for Mineral and Energy Technology is concerned, if we look at the amount of money that we in Canada are spending in total in terms of mining research, say, compared to South Africa, the United States or other major mining countries, we are spending much less than they are. During my time on the advisory committee with Canmet, I was continually urging them to spend more money on mining research, as was the entire committee. Of course, they are under budgetary constraints, but this, in my view, is still a problem.

From the university point of view, another problem I see has to do with federal science policy, whereby universities are precluded often from bidding on contract-type research in favour of industrial companies. I think the preclusion of universities is often a mistake.

I note the formation of two new research organizations: one within the province, the Mining Research Directorate, which I think is a very positive step and directly in response to the Stevenson commission report; and the Mitec committee, which has been established by the Mining Association of Canada, which is the national body, which will co-ordinate mining and mineral processing research. Again, this is generating a lot of interest, and I hope it will create new opportunities for funding for mining research. We are certainly organizing in this area. What we accomplish has yet to be seen, but it certainly appears we are going in the right direction.

To comment briefly on the Burkett commission, and I was an adviser on ground control to the Burkett commission, one of the problems that was identified there was the shortage of engineers with post-graduate training in ground control. One of the recommendations made to rectify that was that more mining companies should sponsor engineers of high potential working within their own organizations to go back to university and complete a post-graduate degree with the sponsorship of the company. Otherwise, once a person gets out in the industry and is married, it is very difficult for him to go back and do that sort of research.

This research could be targeted towards the special problems that particular company has. It could be very productive in both ways. That would help to alleviate the shortfall of engineers with expertise training in ground control. Some of that has been done. For example, Algoma sent an engineer at full salary to Queen's to do a master's for one year, but I have seen very little of that. There are one or two examples we can point to.

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A problem I see at the moment is that the industry is currently is going through a phase where it is hiring or looking to hire a large number of people

now after quite a few years of stagnation in that regard. I think we are going to see a situation now where we are not going to have enough engineers to meet this demand, either in the field of ground control or just in the basic area of mining engineering in general.

I would like to say one or two words on technological issues. I know you are concerned, for example, and the Stevenson commission has discussed the issue of mine lighting. I think that is a problem that we need to address. Perhaps we need to think even beyond that in terms of mining research. I am not sure that, ultimately, better lights are really the answer. I think through research we can find better solutions to that problem.

One of the things we are taking a preliminary look at now is the use in mine openings of spray-on coatings on which you could shine a light which would then detect any change in movement through a change in colour in the area. A miner going through with a special light and shining it on the rock would be able to see if that rock was sagging. That is a research area. We have not proven we can do that, but we are trying to move in that direction.

In terms of rockbursting research, we are attempting to develop devices which will warn us that a rockburst is about to occur before it actually occurs so we will have time to evacuate the area. This is one of our top priority projects at Queen's and we are making significant progress.

However, we have to realize the magnitude of that problem. On a world-wide basis, in South Africa, the United States and Canada, much more than \$10 million has been spent on this particular problem. The problem is every bit as difficult as trying to predict an earthquake, and we all know how important that is. These are not easy problems to solve, but we are making progress and we are doing work in these areas.

In terms of the issue of bulk mining, which I know is being discussed, I believe that, through better technology and through research, bulk mining can be as safe as other forms of mining and perhaps even safer in the sense that there is less worker exposure to the immediate working area. This does require great care, improved technology in the field of blasting, controlled blasting and mine design; so we need to do more work and research in those areas.

I could go on, but I believe these give you some idea of my views on certain matters. Perhaps I should respond to questions you may have.

Mr. Chairman: I am sure members will have some questions. I know I have a couple. To start with what you said just at the end about the new bulk mining methods, we are lay people on the committee. We are not experts in any of these areas, but when it comes to bulk mining, you said you think the new bulk mining methods can be as safe as any method of mining. Is it possible that the industry went into bulk mining too quickly before there was enough research done and enough data on blasting and the kind of supports that are in the mine? Do you think our fears are--I was going to say groundless, but it might be regarded as a pun. Do you think there is some justification for our fears?

Dr. Calder: I believe there have been some studies done that would have attempted to correlate accident rates, if you will, with bulk mining. As far as I am aware, there is no evidence that there is any proven trend there that bulk mining is less safe than other forms of mining. I think they both have their disadvantages and advantages.

I also think the industry, to be fair, did move into bulk mining in a gradual way. It did not go from very small holes immediately to the extremely large holes. I think there was a process of transition there. I would not want to say that they had moved too quickly.

Mr. Chairman: You mentioned that Canada spent less money on mining research than do some other jurisdictions. Is it possible to break that research money down into health and safety versus other forms of research? Do we know where we stand as a country on the amount of money spent on health and safety research?

Dr. Calder: If you include, for example, rock mechanics, the protection against falls of ground, and that sort of thing--I do not know whether you would include that as a health and safety item--

Mr. Chairman: I think so.

Dr. Calder: If that is included, I would say we are quite far behind South Africa and the United States. I had asked Canmet to do surveys to determine just how far behind we were. I do not believe that was ever done, but I suspect that it may spend three times or more, for example, in the United States and South Africa than we do. That is a guess. I expect it is in that range.

Mr. Chairman: You anticipated my next question. Where can we find this out? Who would have this information? Do you know?

Dr. Calder: Yes, I am sure Canmet would be the best source. I do not know if they have that information immediately available. They were asked to do surveys to determine that.

Mr. Chairman: We can try to find that out. Why would universities be forbidden from bidding on research contracts? I do not understand that.

Dr. Calder: I believe this has to do with the desire to promote small business and to create research capabilities within the small business sector which in itself is commendable, but when you take it to the point of not allowing the universities at least to compete on an equal basis, then it puts them in a very bad position.

Also, when we do research at the university, we have a double benefit in a sense that we are able to train the post-graduate students that are doing that research or learning a great deal of the process. Not only they, but the undergraduate students, who would also be employed as assistants on these projects, would be learning a great deal. So there is a major spinoff benefit.

As I say, I think universities are precluded for the reason I stated. Another complaint I have along a similar line is that when major laboratories are established by governments, whether they be provincial or federal, when large sums of money become available, rather than building those rock mechanics laboratories at a university where it could be used to do the routine testing that is required by the mines or by the government and could also be used to train students, they will take that laboratory and keep it under their own wings and build their own empires.

It is very difficult from the university point of view, given the fact that we have a very little power base to get access to get any source of major

funding. So we are cut off from some of the major contract research and we often get cut out of the funding of major laboratory facilities. These are problems for us.

Mr. Chairman: My final question has to do with the sponsoring of engineers to go back to university to get their master's degree or doctorate in rock mechanics or whatever. Who would be the best body to mobilize? Would it be the Ontario Mining Association to try and get it to sponsor this through its member companies?

Dr. Calder: I think the best model for that is for the mining company itself to do, for example, what Algoma Steel did, to identify a young, bright individual within its own organization that it wanted to retain in the system and wanted him to work on a particular problem relative to its research. What he did was to build a numerical model of the McLeod mine at Wawa, which he did at Queen's University as a master's project. He was sponsored by the company and also by the Ontario government through matching funds through the URIF program. To me, that is an excellent model.

Mr. Chairman: Through what program?

Dr. Calder: It is called the URIF program, the university research incentive fund program. This is an Ontario government program. It provides matching funds. If the industry puts up a certain amount of money and if a committee approves it, then the government will provide matching funds. In this case, Algoma ended up paying for half of the cost and the rest was matched in that manner.

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Mr. McGuigan: Does the company have a contract with that student to guarantee that the student will come back?

Dr. Calder: I have no firsthand knowledge but I believe that is the case.

Mr. McGuigan: So for a certain period of time, he would go back.

Dr. Calder: I think that is fair, yes.

Mr. Chairman: Or else Dr. Calder would hire him away, as his professor.

Do any other members have questions of Dr. Calder?

Mr. McGuigan: Sometimes the question goes through your mind, is there anything further to be researched in an old art like mining? You bring up the point that you spray a material--is that a holograph or hologram? Is that what they call that?

Dr. Calder: No, it would liken itself to the photoelasticity concept, if you like. What we found is that very inexpensive material, such as the polyethylenes that even garbage bags are made out of, in very thin layers, if it starts to stretch and you shine polarized light on it, you get colour patterns being established. In other words, the plastic changes colour in quite a dramatic way.

In the case of an underground mine tunnel, we are not really interested in whether it has moved 1/16th of an inch or 2/16ths of an inch. What we really want to know is whether it is moving, has become loose. There is some potential at very low cost to cover a large area, perhaps to spray the entire mine active area that people are working in. Whenever anyone is travelling through there, he would have a light to look at that. If there was something wrong, perhaps he would be able to see that visually.

That is new technology. If that could work, it would be a remarkable breakthrough. It would solve most of these falls of ground problem which is a major cause of fatalities in Ontario mines.

Mr. McGuigan: In other words, there is a progression in the failure of the rock. You do not just have one catastrophic failure.

Dr. Calder: Absolutely. You never have a situation where rock has not moved, period, and then suddenly it is gone. There always is a progression. Something that can detect that progression offers great potential.

Mr. McGuigan: There is a lot of room for research then.

Dr. Calder: There is a lot of room for research. In the field of rockbursting, which is the other major concern, there is an awful lot of room for research too. We know that as rocks take on more and more stress, they begin to crack and produce microfractures. These microfractures we can detect with instrumentations underground.

We have a program now in Elliot Lake where we actually take computers underground, leave them there on a monthly basis even. They are monitoring all of the time. They are capturing these little noises that are being generated as the stresses changes in the rock.

As these noises are captured, they are also being processed in real time by this computer. We are trying to develop a system using pattern recognition, something the same as speech recognition they use in a computer, whereby if we see the frequency changing and the energy bands changing in these noises, then we know more stress is being thrown on the area and, ultimately, we know we should get out of there. That is the direction we are going, but that is new technology and, if we can make that work, again, that is a major breakthrough. There are a lot of new things we can do with research.

Mr. McGuigan: It brings you to recognizing that critical point.

Dr. Calder: Yes, how to recognize that critical point is what we are trying to identify. We are seeing some encouraging results. We are not all the way there yet, but we certainly have been encouraged to the point where I personally believe we are going to achieve that goal.

Mr. McGuigan: You said you are not all that hopeful that lighting offered a big leap forward. In analysing accidents and so on, do they identify the lack of lighting as being a hazard?

Dr. Calder: Lack of lighting has been identified as a cause. Of course, it would be nice to have better lighting, but the point I am trying to make is that maybe our objective should not just be better lighting but something even beyond better lighting, because better lighting, in a sense, is impractical. In mining, we are moving around all the time from one mining area

to another. In the immediate areas where we are mining, we are doing a lot of blasting. Blasting is going to be very harmful to the lighting system. So there is a practical problem to some degree. That is not to say that more cannot be done with lighting. I would say yes, whenever we can do a better job of lighting, we should do that. What I am saying is perhaps we should also think beyond that to even better solutions.

Mr. Chairman: Is there a different attitude and technology both required for rockbursts rather than rockfalls, or can you use the same approach to get at the problem?

Dr. Calder: There is some overlap. Rockfalls to me are often loose pieces of rock which have formed near the surface of an opening, where the rock has been cracked or perhaps there is a natural fracture plane there and it becomes detached. Then without any really violent stress being involved--it is really just the gravitational weight of the block--at some point, it finally loses its last little bit of strength and simply drops out. That is quite different than a rockburst, where extremely high stresses are being built up in a rock which ultimately explodes. In the other case, it is slowly losing a small amount of strength and under the action of gravity, it falls.

Mr. Chairman: It is a fascinating explanation. Does the buildup of gravity increase?

Dr. Calder: If you like, you can think of the piece of rock as being glued to the roof through some natural grain strength or cohesive strength, as we would call it. If ground water gets in there, it slowly loses a bit of that. Each time there is a blast, perhaps the vibration shakes it a bit and it loses a little bit. After a while, it has lost so much that it just reaches the last straw on the camel's back and just falls. There is nothing violent about it in the sense that it is an explosive thing. It just drops out.

Mr. Chairman: I am sure my question would not get me past first-year engineering in rock mechanics.

Dr. Calder: No, it is a very good question.

Mr. Chairman: I was sort of picturing the buildup of gravity, but it does not happen.

Mr. McGuigan: I guess Dr. Calder was saying that if this wall were under pressure and the rock burst, pieces of that wall would fly to the other wall. They do not just crumble down; they fly out.

Dr. Calder: It could be possible in a major rockburst, for example, for this room to become completely filled with pieces of rock that size within thousandths of a second.

Mr. McGuigan: The same as if an explosive force were behind it.

Dr. Calder: Exactly the same.

Mr. Miclash: During my days at university, I did not see too many engineers over in the social sciences department, yet both Ham and Burkett have identified more relationship and behavioural issues than technical issues in terms of helping out with safety problems. I am just wondering what the university is doing these days to encourage engineers to get into other areas such as psychology and sociology.

Dr. Calder: We do require all of our students to take a certain number of courses in the humanities and social sciences. In fact, the Canadian Accreditation Board has a formula which forces all engineers to take a certain number of courses within that category. We do allow the student considerable freedom in terms of picking the particular ones he wishes to pursue.

Mr. Miller: I would think bulk mining would be safer than doing it the old style. I notice when drilling those holes, they use a machine with a long arm and drill up or drill in. You are farther away from danger or from heavy equipment. The hydraulics are doing it for you. Is that true? When bringing out the material, it is elevated out. That should provide a safer way of mining than doing it the old pick and shovel way.

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Dr. Calder: That is what I referred to in my earlier remark about the reduction in exposure to miners. In some of the older methods that are still used in certain parts of the world, and in Canada also, depending on the size of the ore body, you cannot always use bulk mining. If you have a small ore body, you just cannot. In some of these methods, you force the miners to actually get in there where the drilling and blasting is being done. You are drilling about your head and you drill down a small little bit. Then have to work immediately under that roof and drill down the next little bit, so you have a lot more exposure.

There is this versus the other system, where you set a big drill up on top and you put holes down. After that, you simply work in, always from this area, simply blasting and using gravity to drop it down and just pick it up at the bottom. There is a lot less worker exposure to the dangerous sorts of rock areas, if you will, in the immediate working areas.

Mr. Miller: What about robots? Is there anything being done on that basis?

Dr. Calder: There is a lot of interest now in robotics. For example, McGill University and Ecole Polytechnique, as a joint effort, are establishing a centre for the development of the robotic aspects of mining. It is also of interest to us at Queen's, and there already are examples of that; for example, with remote control scoop trams, where rather than having the operator actually drive in and load in the dangerous area, he can stand back and do that by remote control. We are going to see a lot more of robotics in the future as well in almost every application.

Mr. Miller: Do you anticipate its revolutionizing the whole industry?

Dr. Calder: Through time, I would see a major shift towards robotics.

Mr. Miller: What about communications? That was another issue that needed to be improved. Is there work being done on that?

Dr. Calder: There is work being done on that. Manitoba, through the MRD program--this is an economic regional development program that is federally and provincially sponsored--has a major project on mining communications. Other organizations are discussing doing more in that field as well. It is not one area in which I am directly involved myself.

Mr. Chairman: It should be said too that next week Todd is meeting with Patrick Reid to make sure we are seeing different kinds of mining

operations. We are not just going in to see the same one several times, because bulk mining is not just bigger mining; it is a totally different way of extracting the ore. We will try to make sure we see that.

Mr. Miller: I think the background material we have has been very good in explaining the operation. I guess the other thing that comes to mind is that equipment should be made here. I have heard that spoken about for a long time. It could be on either a small scale or a big scale, but it can all be manufactured in our own area.

Mr. Leone: My question is about research in the university and in general. I want to know if in your research, either for post-graduate status or for special projects in your laboratories, you receive funding from industry, on its part, or from organizations like MAPAO and government, say, the Workers' Compensation Board, and if you would consider the research funds that you are granted are adequate or short, whatever. What is your opinion?

Dr. Calder: We obtain research funding from all of the sources that you mention, basically. However, the principal source of funding for engineering professors is supposed to be the Natural Science and Engineering Research Council. I mentioned earlier that NSERC does not have a mining subcommittee. As a result of that, we feel that we are not fairly treated and we do not get our share of funding from the Natural Science and Engineering Research Council. Also, the Canadian Centre for Mineral and Energy Technology has a university grants program, but it is very small. The amount of money anyone can expect to obtain through that source is rather minimal. Certainly, \$20,000 is the most you would ever get in one year, but that would be highly unusual; it is usually \$10,000 or, in many cases, nothing. Their total budget is only a few hundred thousand dollars for university-sponsored mining research, so it is not really very significant. There is not enough funding in those areas.

What we get forced to do--there is nothing wrong with this--is to get involved in a lot of industrially sponsored contract research where we have to go out, take initiatives and bring in contract research, something that the industry wants to see done. For example, we may go to a particular mine and do some stress measurements, taking equipment from the university to the mine, doing tests underground, or we may do some computerized modelling under contract. That sort of thing is good. Through the evolution now of this mining research directorate and also this Mitec committee, there are going to be more and more opportunities for us to participate with industry in research. That part of it looks quite good.

I suppose the government of Ontario is concerned. With regard to the current program that it has for university incentive, whereby it will match funds if the project looks sound--when industry puts up funds, it will match those funds--I think that is also good because it gives us the incentive to go after this university-type work. I think that is all fair enough.

You mentioned the Mine Accident Prevention Association of Ontario. Yes, we have some contracts now with them. Last year was the first time. We are talking with them now about more for this year. Again, we have received matching funds from the Ontario government for those programs.

The other complaint I have is that when the government spends large amounts of money--I am talking now about the federal government--when it comes out with major contracts to do major pieces of research, the universities are

precluded by Department of Supply and Services policy from participating. Of course, they have a little clause that says if there is no industry that can do it, then you can bid on it. But, of course, that never happens.

Those are the two big complaints I have, the Natural Science and Engineering Research Council and the DSS policy. Other than that, I think things are not that bad. There are opportunities, but you have to go out and chase them. There is nothing wrong with that.

Mr. McGugian: I guess their policies would have to be more liberal to suit you.

Mr. Chairman: I would not comment on that.

Mrs. Grier: Do not comment or do not count on it?

Mr. Chairman: No. Right.

Ms. Collins: One of the recommendations in the Burkett report was that each mining company operating in Ontario employ at least one professional engineer with post-graduate qualifications in rock mechanics, that a person holding such qualifications be used in the design and planning of a mine and mine expansion and that a person holding such qualifications be made responsible for the company's ground control program.

The response of the Ontario Mining Association was that the report was confusing ground control with rock mechanics and it should not be necessary for every mining company to hire a professional engineer. What is your response to that?

Dr. Calder: I think every large mining company should have and probably does have someone with post-graduate training in rock mechanics. I do not draw any line between rock mechanics and ground control. To me, they are one and the same. However, you have to realize that there are many small operating mines in Ontario where it simply would not be practical for them to have on their own staff a full-time engineer with post-graduate training; neither are there enough of those engineers available.

I think there is also a role for consulting engineers to provide services to companies of that sort, and I think that works very well. I said that also in the Burkett report.

I do not think you necessarily have to have them on your payroll, but if you are large enough to justify it, then you should have at least one.

Ms. Collins: I am not sure how you interpret "employ" here. I do not know if he is suggesting that even if you are hiring a consulting firm, it should have a professional engineer with post-graduate qualifications on staff. I am not sure how one would interpret that.

Dr. Calder: I would agree with that statement. Every mine should have someone of that nature, either full-time or part-time, depending on how large it is.

Ms. Collins: Is that the way it is right now?

Dr. Calder: It pretty much is now. I do not know of any mines personally that do not either have some contact with a consultant or have someone on their own staff. There is no one I can think of at the moment.

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Mr. Chairman: Lorraine Luski, our research assistant, has a question.

Ms. Luski: Dr. Calder, you mentioned you had projects that you commission the Mines Accident Prevention Association of Ontario to carry out.

Dr. Calder: No. The reverse.

Ms. Luski: Oh, I am sorry. Are you familiar with fatality and accident statistics in this province?

Dr. Calder: Only in a passing manner. I am aware of all of the incidents that take place, but I am not a statistician. They are the people who really keep this information, they and the Ministry of Labour. I cannot quote you statistics, although I try to keep abreast of what is happening.

Ms. Luski: In other jurisdictions as well, other than Ontario?

Dr. Calder: The mining industry in Canada is a fairly small industry, so if there is a problem in Nova Scotia, for example, or Alberta, I would hear about it, yes. If there were a lot of them happening there, I would know that.

Ms. Luski: I just wondered how Ontario compared. I was speaking to somebody from the MAPAO this morning who suggested that Ontario's accident and fatality statistics are fairly good in comparison with a jurisdiction anywhere in the world. I just wondered if, in your research and your discussions with your colleagues, you have got a sense that that is not the case at all. This may not be a fair question to ask you.

Dr. Calder: No, I think it is a fair question. I have visited mines recently in South America and I have visited a lot of mines in the United States. I would say that Ontario has superior safety standards. We are much more demanding. We are much more careful in Ontario than most of the other mines you see throughout the world. That is a very fair statement.

How does Ontario compare to other provinces? I think all of the provinces are much the same. I really do not think there is any province that has better standards than Ontario.

Ms. Luski: What sort of qualifications would one have to take into account when making these kinds of comparisons? I know that it is not simple to compare mining accident statistics. There are a lot of other factors that have to be taken into account, such as the labour-to-capital ratio and that sort of thing. Are you aware of what sorts of things we would have to bear in mind to make reasonable comparisons with other jurisdictions?

Dr. Calder: To me, one of the striking things is the attitude of management, which may seem like a strange answer. For example, in talking to mine management in Ontario, I have, without exception, found them to be extremely caring and concerned about mine safety; whereas, in other areas not too far from here, I have had occasion to talk with mine management where it

was fairly clear that they were willing to take some very deliberate risks in order to gain some additional profit. I have not found that attitude here at all. We have checks and balances here as well.

They have a situation where, when a problem develops in a mine, there is a reporting system. They have to let the Ministry of Labour, for example, know if major problems are developing. Then someone will go and look at that and see why that happened. Nothing goes unnoticed. Also, I think there is a co-operative attitude between the governments and the industry in that regard. Everyone is seeking the same goal. Everyone recognizes we have problems and everyone is working to try to solve those problems. We have a good, positive attitude. In other parts of the world, they simply do not care. They are simply trying to make money as quickly as they can and the approach is entirely different.

Mr. Chairman: Are there any other questions from members of the committee?

Mr. McGuigan: I am interested in your last comment. We had some indication from earlier witnesses--people on both sides of the profit picture--indicating that co-operation is not as it should be. I sort of wondered if some of that is rhetoric more than actual fact. I assume you spend a good deal of time in mines and get a feeling of this. Do you think, in actual fact, there is a good deal of co-operation? Some of the indication here were that there was not. People before us were guarding their positions.

Dr. Calder: I think, traditionally, there has been a lot of co-operation within the mining industry in Ontario, between the industry, let us say, and government, in particular the mining health and safety branch of the Ministry of Labour. I think that has worked well.

I think some people are afraid now that perhaps government may move too far and put too many controls on the mining industry and that may create an unco-operative relationship between government and industry which, in my view, would not be productive. I think there is a danger of that happening, but I do not think it has happened yet.

Mr. McGuigan: And between management and labour? Do you have the same view there?

Dr. Calder: In my own personal experience, which does not cover every situation, everyone has a common objective. No one wants to have a safety problem. No one wants to have a fatality. The mine manager is going to feel just as badly as the union president if that happens and they are both going to do everything they humanly can to stop that from happening. What I have seen is willingness on both parts to co-operate. Most mines will have a safety committee, and if they have a particular problem, they can point it out to the manager. In my experience, he will go out immediately or send someone to look at that and, if it is reasonable, he will do something about it.

I think that attitude already exists. I do not think it is something you can police or enforce. It is co-operation between the groups that really makes the thing work. I think we have that now. That is not to say that we do not need to be talking always about safety and trying to improve it, but I do not think legislation per se is the way to solve this problem of mine safety. I think more and better technology is required.

Mr. Chairman: The Legislature assigned us a task. I do not know whether you have seen the terms of reference. Probably not.

Dr. Calder: I have seen this.

Mr. Chairman: Oh, you have seen this. OK. I am glad you have it there. It says:

"Consider and report on safety in Ontario mines including: "both provincially and nationally, the consultative mechanisms between labour, industry and government that identify hazards and put in place mechanisms to reduce or eliminate the risk of death and injury in the work place."

Have you done any work on the consultative process in the industry?

Dr. Calder: One example where a consultative process takes place at the moment is the Mining Research Directorate. There is a union member there as well as representatives of government and industry. He is a member of the board of directors along with everyone else. That is Mr. Gerard. There is an opportunity there.

I do not know personally of other examples where unions have sat down with industry and government, but I think it is something I would recommend and encourage. I have had some personal opportunities to sit down with union leaders where there has been a particular problem at a mine site and we were discussing, with the provincial mine inspector and the union, whether it is safe to do such and such. I have always found the comments of the union to be very productive and responsible. I think they have something to offer to this whole process and whenever possible they should be included. Perhaps we need more of that. I think that too often the unions are left out.

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Mr. Chairman: As we meander through this task, visiting mines and so forth, if you were to give us any advice, what would it be? I am thinking of the broad aspect of improving health and safety in the mines over all. Is there something that comes to mind from your area of specialty, namely, ground control and rock mechanics?

Dr. Calder: I think the main thing I could say is that it is my impression that everyone is trying very hard to solve this problem. I would hope that you will not find exceptions to that. I think what you should identify is the very difficult nature of some of these problems, given the very large areas that some of these mines cover. The difficulty of constant inspection, for example, and the rockbursting problem, which is the equivalent of the earthquake problem, are major technical problems. They are not the result of negligence on somebody's part. It is not even the result of somebody not being willing to spend the money to do the research. They are so, so difficult to address. They can be addressed. We need to do more research, but we are not going to get there overnight. I would try to get a sense of how difficult these problems really are and I would hope you get a sense, also, that people are really trying to solve them.

Mr. Chairman: At some point, when we finish visiting mines and reading more than we can digest, probably we are going to have to sit down and think about some recommendations that we will make back to the Legislature. It is too early now for us to be coming to any conclusions, because we have just started, but we are going to have to deal with that.

Dr. Calder: I believe, personally, that the improvements we will see in the future will be as a result of research and technological break-throughs. That is what we need. It is not that we are not doing the best we can with the tools we have now. We need better tools.

Mr. Chairman: And research is one way of--

Dr. Calder: That is the only way of developing them and in Canada we have not been doing our share of that.

Mr. Chairman: Because that person underground who is doing the mucking has no control over that either, has no control over the amount of research that anybody does.

Mr. McGuigan: In the realm of science fiction, when the atomic energy potential first burst upon us, there were all sorts of predictions of how it would be used. On coal mines, they talked about in situ mining. You leave the coal there and you extract the gases and so on. But what about putting a little atomic bomb down under that rockpile and shattering the whole thing and then just extracting it?

Dr. Calder: This is a plan that has been considered. Major engineering studies have been done to look into that very thing. We could put the bomb down there to fracture the ground--not to form a surface crater, hopefully--and then by pumping chemicals through the fractured ground extract minerals through a leaching process. This may work in a very limited number of cases, but I suspect most people nowadays would feel that the environmental hazard would be such that there would be more risk involved that way than doing it in the conventional manner.

Mr. McGuigan: Are there people looking at it?

Dr. Calder: Oh, it has been looked at, yes.

Mr. McGuigan: Has been but is--

Dr. Calder: I do not think anyone is currently considering it. I think now the pendulum has swung towards environmental concerns with doing something like that. For example, this stuff would get out into the ground water, and God knows where it would end up if that happened. A lot of research has been on the problem of disposing of nuclear wastes. That has brought new technology which causes us to fear doing something like setting off a bomb in that manner.

Mr. Chairman: And we do not want you to hire Mr. McGuigan as a research assistant. Are there any other questions?

Ms. Collins: If I can just go back again to the question I raised earlier in regard to professional engineers, is there a difference between a professional engineer and certification of practising ground control engineers?

Dr. Calder: No. To be an engineer in Ontario, of course, is regulated. If you are a professional engineer, you have to be a member of the Association of Professional Engineers of Ontario. I would not draw a distinction between anyone other than that. Whether the person practises rock mechanics or ground control or whatever you want to call it, the essential thing is that he is a professional engineer. I am not sure if I got the central part of your question.

Ms. Collins: I did not have an opportunity to read all the background we received from the Ontario Mining Association this morning, but there was that one recommendation by Burkett, and there is a letter to the then Minister of Labour in 1986 where it says, "The association does not agree there should be compulsory certification of practising ground control engineers." The report does not recommend it, but there have been indications that your staff may be trying to promote the idea. I was wondering what the difference was then between a professional engineer and certifying practising ground control engineers.

Dr. Calder: It seems to me that what they are referring to there is not an engineer but a technician, but I am not sure what document you are looking at. There has been some talk about certifying technicians. There is a discussion in the Burkett commission about a training program for technicians who would be certified to do ground control inspections, but they would not be engineers. No one can certify an engineer except the Association of Professional Engineers of Ontario.

Mr. Chairman: They have cornered the market on the iron rings, have they?

Dr. Calder: That is it.

Mr. Chairman: Would these technicians be graduates of the community college program?

Dr. Calder: Yes, normally that would be the case, places like Haileybury, Cambrian College and that sort of thing. There is a program to train those people as rock mechanics, inspectors or whatever.

Mr. Chairman: Is there a system whereby someone who attends one of those programs at a community college, whether it is Haileybury--it is part of the community college there now, is it not?

Dr. Calder: Yes.

Mr. Chairman: --a graduate of one of those programs can get into the program, say, at Queen's University?

Dr. Calder: Yes. We have quite a number of examples of students coming on from Cambrian, Haileybury and elsewhere and completing a degree at Queen's and also at other universities.

Mr. Chairman: Do you give them credits for what they have done at Cambrian?

Dr. Calder: We give them credits for some of the things that they have done. Wherever we possibly can, we do so. There is a problem there in the sense that some of the material they take does not have the same math content. They may have a course in chemistry that we cannot give them credit for because it did not have enough math, but we give them credit for as much as we can. It depends on the institute they are coming from.

Mr. Chairman: I used to teach in that system and I used to hear the students complaining that they were not getting what they thought was a fair credit.

Dr. Calder: That is a problem. What happens is that a lot of these students will go to Michigan Tech or the South Dakota School of Mines and Technology because they will give them a lot more credit, but our system is more stringent. We have, for example, urged some of those community colleges to strengthen their scientific component so we can give them more credit, but their response is: "That is not the business we are in. We are in the business of producing technicians. We are not a feeder school for you guys, so we do not want to do that." Some of the schools in the United States will give them credit for things that we will not give them a credit for.

Mr. Chairman: As a matter of fact, some of the universities and colleges in the United States are moving satellite campuses into Ontario, I believe, and offering the courses here.

Dr. Calder: I did not realize that.

Mr. Chairman: I think that is happening, in northern Ontario in particular. Some of us do not really like to see that, but it is hard to deal with. In Quebec, the community colleges, the CEGEPs, are feeders to the universities, are they not?

Dr. Calder: Yes. We would like to see more of that. We do not feel this is our fault. We have a certain set of standards within our own university system and other people have different standards. They are not producing the same product we are.

Mr. Chairman: I regret there has not been a way of interlocking them in a better way without their seeing themselves as simply a feeder system for the universities.

Dr. Calder: We have tried and we are still prepared to try again to better accommodate that.

Ms. Luski: With reference to your rockburst project that seeks to identify noises coming from rocks in an attempt to predict when they are going to burst, how many years down the road do you see this project going on before it is finalized or has come up with a system to predict rockbursts?

Dr. Calder: It is almost impossible to answer that. I would hope very soon. All of the hardware is working now. We have actually captured rockbursts in some of the mines, for example, in Elliot Lake. We have had our instrument there, it has been running, a rockburst has occurred 10 feet away and we have captured the signals. That is how close we are getting. We are looking at those signals; we are looking at the things that happen prior to the burst occurring. We have literally rooms full of data that we are analysing.

When a rock is under extremely high stress and approaching a burst situation, you can get as many as 800 or 1,000 signals per minute coming in. Each one of these contains 5,000 data points, if you like. We are getting very close now. I do not see this project taking another 10 years or something. We hope that within a year we will know one way or the other whether this is a foolproof way to do this. We are very close to reaching a conclusion of this project.

Mr. Chairman: Thank you very much for appearing before the committee. We do appreciate it. Your voice has been the strongest yet on the

need for more research into mining. We do intend to get more data on comparing the amount of research done here and elsewhere to strengthen your arguments and ours that perhaps that is necessary. We appreciate very much your comments to the committee.

Dr. Calder: Thank you very much for the opportunity. I wish you all the best in your studies. Ladies and gentlemen, I have enjoyed speaking with you.

Mr. Chairman: Are there any questions from members of the committee on the scheduling that is coming up? We know that we do not sit next week, but we come back for a sitting of the Legislature the week of February 8. By that time, we very much hope to have all the schedule worked out. As I mentioned, Todd is meeting with Patrick Reid next week to make sure we do not duplicate things we are doing. At that point, we should be able to finalize the schedule, departure times, everything. We will try to tie it up very tightly so there is no confusion on the part of members.

The committee adjourned at 3:15 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

TUESDAY, MARCH 8, 1988

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witness:

From the Canadian Diamond Drilling Association:

Matte, Max, Manager

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday, March 8, 1988

The committee met at 10:16 a.m. in committee room 2.

MINING SAFETY
(continued)

Mr. Chairman: The standing committee on resources development will come to order. We must get started or we will have the private sector thinking that the public sector is inefficient and disorganized. We would not want to have that.

A couple of things for members. If you look at the agenda that has been handed out by the clerk of the committee, on Thursday afternoon at 2, you will see organization and requests by the Ontario Mining Association and the Porcupine mine managers. There are a number of other things. We are going to print out a separate agenda because Thursday is the first time we will have a chance to sit down as a committee. That will be an in camera session where we just hammer out where we are going and some of the findings to date.

There is the question of the pits and quarries that we have to make a decision on--which should be a committee decision; we do not want anybody to feel he is being pressured to do any of these things--there is the question of illnesses versus accidents, the OMA request to do a follow-up brief and the timing of the report. There is the question of other jurisdictions, which Ms. Luski has done some research on.

Those are things it would be nice to get our act together on so we will have a sense of where we are going. When we are just travelling around and meeting day after day, there is really no chance to collect our thoughts. That is why it would be very nice if people could be here on Thursday afternoon. I do not think it will be a long session, but it would be nice if the three parties are represented here. OK?

Mr. Wiseman: Are you thinking of pits and quarries?

Mr. Chairman: That is going to be on the agenda. We will print it out on a separate agenda. If there are any other suggestions for that afternoon, let us know.

There is one decision we should make today. We may want to make it later, at noon, when there are other people here, and that is the question of the week of March 21, when we are going to Red Lake, Manitouwadge and Hemlo. There has been a persistent series of requests by the Porcupine mine managers' group that we go to Timmins. It is question of whether we would see anything different if we went there and whether it is a part of the province we should go to anyway because of its importance in mining. I do not care what we do; it is entirely up to the committee.

Instead of flying to Red Lake on Monday to start the meetings on Tuesday, it means flying to Red Lake on Sunday night and starting the meetings on Monday. Then we would still finish up Thursday afternoon. That is the question. I do not think we would see or hear a lot new, but there is a sense

somehow that there should be at least an appearance in that part of the province, the Timmins area, which has a lot of mining. But that is up to the committee. We do not have to go there. I do not feel strongly either way.

If we made a decision this morning, it would allow the clerk to do the juggling, because it is not fair to leave it late either for them or for him, because you do have to have a lot of scheduling. That is the week we have the private plane, the chartered aircraft, and then there are hotel accommodations and all that stuff. We should decide today.

Mr. Wiseman: Do we have time for, say, Timmins and, if we can get into Thursday, for some open-pit mines? Do we have time to work them in during a week later on? That is the week after the school break and everybody may not be ready to go up on Sunday night.

Mr. Chairman: True. The other possibility would be to do the Friday rather than the Monday. We can still go up on Monday or back it up one day, so it is Friday, instead of jumping it ahead one day. Do you follow me?

Ms. Collins: The week of the 21st?

Mr. Chairman: Do people have calendars in front of them?

Ms. Collins: Not the March break.

Mr. Chairman: No, no. The school break week is the previous week. Right? The school break week ends on Sunday, March 20, and school starts back on March 21. The present plans were for us to fly to Red Lake on Monday, March 21.

If we go along with the Timmins group, it means going up there on the Sunday instead of the Monday because it needs an extra day. It is horrendous travelling to go over to Timmins then. Or it means still starting on Monday night but doing the thing in Timmins on the Friday. It does not matter to me.

Mr. Wiseman: Is that the week of Easter?

Mr. Chairman: No. The following weekend is Easter. What is the wish of the committee? First of all, do we want to do the Timmins thing?

Mr. McGuigan: I think probably we should. We hear so much about the Sudbury basin and that area, but we do not pay much attention to them.

Mr. Chairman: I am inclined to agree with Mr. McGuigan. It is not that we will hear a lot new, but it is an important part of the mining community in Ontario.

Mr. Wiseman: Would it be possible to go on Friday? Most of us have office hours that day, and with the week of the school break, that will mean two weeks without office hours. Would it be possible to go the next week and maybe go to a couple of open-pit mines?

Mr. Chairman: The trouble with that is that the agenda of the committee was established in agreement with all the House leaders somewhat before the House even adjourned, and these were the weeks that were assigned to the committee. That is our problem there. I think we would run into some pretty heavy water for conflict reasons at diverse times. I am not sure of that. I have not checked.

Mr. Wiseman: I just thought maybe we had some flexibility.

Mr. Chairman: I do not know whether we do or not. I know that the motion in the House said that the times laid out were not to be cast in stone, that they were flexible. We would have to find out from the House leaders if they will agree to that.

What is the wish of the committee? If we did it that way, we could go and see an open-pit operation plus the Timmins thing to follow that other weekend.

Mr. McGuigan: Where are the open-pit mines?

Mr. Wiseman: Some are down my way.

Mr. Chairman: Yes. Southern Ontario, certainly. I do not even know where they are.

Mr. Wiseman: There is one in the north end of Lanark county, the Steep Rock marble mine and they have a mine back at Hopetown and then they have the processing plant just west of Perth. Then we have the one at Haley Station in the north end of the riding. The plant is partly in Sean's riding. Sean and I share that.

Mr. Chairman: What is the wish of the committee? There is a choice here.

Mr. McGuigan: That is taking us into the next week, though, is it not?

Mr. Chairman: Yes, it is.

Mr. McGuigan: I have set that aside for some holidays.

Mr. Chairman: So had I, actually.

Mr. McGuigan: Not that I would not like to go and see it, but it is the only time I have.

Mr. Chairman: I think we are making a decision on pits and quarries here, but on Thursday afternoon we also want to make some other decisions about the timing of the report. If it is decided that we cannot simply do the report in the time frame, then we can leave that whole question open. I do not want to prejudge the Thursday discussions.

Mr. McGuigan: As far as the 21st, Sunday night is OK with me but Friday is also OK. I can go either way.

Mr. Chairman: So can I.

Mr. Brown: Friday is a problem.

Mr. Chairman: Friday is more of a problem.

Mr. Brown: Friday would be a problem.

Mr. Chairman: Hearing that, would Sunday be the best day?

Mr. McGuigan: I think so.

Mr. Chairman: Do we want to go ahead and do it then? We would have to let Mr. Miclash know.

Mr. Wiseman: I never very often stay away two Fridays in a row.

Mr. Chairman: That would allow you to be back on Friday. You could go up on the Sunday, so you could be back in Lanark on Friday--Lanark-Renfrew, excuse me. We will still finish Thursday that way. OK? The decision is made. We might as well go ahead and make those plans.

This morning we have with us the diamond drillers of Ontario. Mr. Matte is here, a former constituent of mine, a former constituent of Mr. Wiseman and a present constituent of Mr. Harris. This guy just cannot make up his mind.

Mr. Matte, welcome to the committee. The Canadian Diamond Drilling Association has been mentioned in dispatches on several occasions. We were quite anxious that you appear before the committee, because people use the drilling association as an example of a high assessment rate for Workers' Compensation Board purposes. We are pleased that you are here this morning.

CANADIAN DIAMOND DRILLING ASSOCIATION

Mr. Matte: Mr. Chairman, ladies and gentlemen, the brief is before you, but before I begin, I was handed by Mr. Decker the memorandum to your committee from Bruce Campbell. Mr. Campbell states in the last sentence that--

Mr. Chairman: Sorry; I cannot hear you.

Mr. Matte: I am sorry. I have a good voice; I am just not using it properly.

He attributes the high lost-time injury rate to flow-through shares, the price of gold and the fact that they are just getting organized in their training programs. He is partially right, but I will go through that in the brief and I will explain it as I go. If there are questions, please feel free to ask them.

The Canadian Diamond Drilling Association dates back to the summer of 1944. Initially known as the Canadian Diamond Core Drill Manufacturers Association, the name was changed to its present one in order to incorporate the contractors. This association, by the way, is national in scope.

As stated in the bylaws of this association, the objects are to foster the commercial interests of its members and of those related in any to the diamond drilling industry across Canada; to promote simplification, standardization and interchangeability of diamond drilling equipment; to recognize the safety and health of our employees as an important responsibility in the conduct of our business; to foster the protection of the natural environment in which we work; to secure the elimination of unfair economic practices within the industry and freedom from unjust or unlawful exactions; to establish and maintain uniformity and equity in the customs and commercial usages of the diamond drilling business; to acquire, preserve and disseminate valuable business information; to promote a more enlarged and friendly communication among those engaged in the industry; and to foster recognition of major achievements and innovations in our industry.

The recognition of safety and health was incorporated into our objectives in 1986. That is not to say that it was never a concern; it always was, but was never officially stated.

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Unlike the Mines Accident Prevention Association of Ontario, the CDDA does not enjoy the broad coverage over the drilling industry that the former has over the mining industry. Membership in the CDDA is by choice, whereby association with the MAPAO is by activity in the mining field, but drilling is under the umbrella of MAPAO. The unfortunate thing is that a number of drilling companies do not actively participate in the programs of the MAPAO. CDDA members are prompted to participate. That is not and should not be regulated.

Diamond drill companies are privately owned and, by their nature, quite secretive. By law, they are registered with the Workers' Compensation Board and the Ministry of Labour. The companies fulfil their commitments to both these government bodies as required.

I used the word "secretive" in the former paragraph, and that applies only to the financial structure of the companies. Accidents, let alone fatal accidents, are reported, as is required.

It has been indicated in prior briefs that the frequency of accidents and the fatality rate are not related. A composite graph that I have here covering over 20 years indicates the same conclusion. With all due respect to Kevin Burkett and his commission report, the bonus or incentive system is not at fault. A study at the University of Laval quite recently on the subject of bonus and accidents vindicated my rationale.

Over the past 21 years, the diamond drilling industry has had an average frequency of 14.9. There is no pride in this. It means that 15 per cent of our workforce has had compensable injuries. Five of these injuries in the past 21 years were fatal. Two people were drowned, two were burned and one died in a vehicle accident on the highway. The drownings took place 21 years ago. Regarding the two fatalities relating to fires, one took place in 1969 and the other one in 1977. The most recent fatality took place in 1984, just outside of Hemlo, as a matter of fact.

The reason I state this is to point out that the industry does take its responsibilities towards its employees seriously. The nature of our work does take us into the bush, and the majority of our work is done in winter. There are creeks, rivers and lakes to cross. Drill shacks are not airtight, by virtue of the work being performed. Our winters are rigorous and heat is required. Whether it be wood, oil or propane, heat is a must.

What I am pointing out here is that our exposure to these types of conditions is great. Using that statement as a premise, it is safe to say that management does have its own internal responsibility system in place and it is taken seriously.

To go further, the industry is greatly concerned about its serious accidents. The CDDA, through its action committee, reviews all serious accidents--and this is on a national scale--and they relate to incidents. It is the belief of that particular committee that accidents are predictable and therefore avoidable. We do not have a structured fail-safe system but, possibly without our knowledge, we have a mini one in place.

In the past two years, our industry has faced some unprecedented demands for our services. In one year our frequency has risen by 5.3 per cent, and thankfully without a fatal accident. Our nomadic way of life does not afford us the luxury of first aid stations. In too many cases, due to geography, these nonserious accidents result in compensable cases. We do not have the luxury of modified work and the end result is a high frequency and, thankfully, a low severity.

If I may pause for a moment, I would like to explain this. When you are out in the bush--and I am going to call it the bush; that is where it is--and a gentleman gets hurt, whether he is pounding with a hammer trying to dump the core out of a barrel--I do not know how many of you have ever used a hammer; if nobody has ever hit his finger, praise the Lord--what can you do as a supervisor? The guy says it hurts. You have to fly him out. Now you get the helicopter; you bring him out; the weather socks in; he is three days in town; and you are into a compensable situation immediately. There is nothing very, very serious about the accident, but it does hit us by the frequency, and consequently low severity.

To conclude, what we are trying to do in our industry is maintain a high level of awareness of dangerous situations. We can relate to past unfortunate accidents, and we do. The equipment is much more sophisticated now and still fraught with dangerous situations. This equipment, believe me, can be most unforgiving when mishandled, and stress on proper procedures is maintained at an extremely high level.

Drug and alcohol abuse is also an expressed concern by many companies. Isolated camps can be maintained dry, but drug abuse, which for the most part goes undetected, is a problem.

In the past 10 years the diamond drilling industry has suffered one fatal accident, and that was in 1984. Only practised vigilance will avoid the next one.

I am prepared to answer questions if there are some.

Mr. Chairman: I am just going back over one of your figures there, and members do have some questions. I just wanted to clear up one thing. You say, "The diamond drilling industry has had an average frequency of 14.9." Right?

Mr. Matte: Yes, on the average for 21 years.

Mr. Chairman: Right. Do you know what the average for the industry is for that period?

Mr. Matte: It is in the single digits.

Mr. Chairman: Yes; three or four or five.

Mr. Matte: Yes.

Ms. Collins: I would like to know if you have any training programs in place, or exactly what type of training the companies offer their employees.

Mr. Matte: At the present moment we have had to have quite a push on training, definitely quite a push, and it is done by each contractor. The reason is that different companies use different equipment, and you could not

have, say, a driller just to work on any piece of equipment. He has to be trained by the employer. There are enough good runners at the present moment, thank God, and this is how they get their training: by working with an experienced person. That is the system we have to use.

Ms. Collins: All of that is done in-house, then.

Mr. Matte: Yes, definitely. We are producing videos at the present time which we present to the new employee, videos for drilling on surface to show him what he is getting into when he goes into the bush. Also, for underground we have a video which is not quite complete yet. We have the pilot and we should have it before April 20 so that we can show them to the newcomers who are coming in. It can be a very traumatic thing, you know, sending somebody underground. I know you people are involved in mines right now.

The drilling fraternity is a funny bunch. You have surface drillers and you have underground drillers. The underground driller looks at the surface drilling and says, "No way am I getting up there and freezing my buns off all winter and getting chewed off all summer by flies." The surface driller looks at the underground and says, "I am not going down there." So we do not have an exchange of these people.

They work a little harder in the bush, naturally. I have worked in the bush for years, come to think of it, and I do not mind working a 12-hour shift. What am I going to do, work eight hours? What will I do with the other 16? It is going to be very, very boring. So they work straight through, seven days a week, until the contract is done, and then they take time off.

We admit as an industry that the young people we get today are not very well conditioned. I think the heaviest thing they have ever carried is a ghetto blaster on their shoulder, really and truly. But in the old days, when you hired the young lads off the farm--and Doug could relate to this; I am sorry I am pointing you out, Doug--

Mr. Chairman: Not that he is in any great shape.

Mr. Wiseman: I used to be.

Mr. Matte: But people were better conditioned than today. This is a big problem, and what do you do, really?

Ms. Collins: Do you find that most of the accidents happen to the inexperienced young people?

Mr. Matte: Yes, it is quite true; it is usually the newcomers. There are conditions that relate to this. We have a lot of sore backs and sprains and strains in hunting season. Do I have to go any further? Around Christmas time, with that extra weekend--you know, it is very natural. Everybody knows there is an abuse of the system and you cannot get away from it. If somebody tells you, "I have a sore back," what are you supposed to say? "You don't"? Even the doctor will sympathize and say, "Take a week off," but then he picks up his .30-30 and he is gone for a week.

Ms. Collins: There is a comment here on the first page: "Drilling is under the umbrella of MAPAO."

Mr. Matte: Yes, we report to the Mines Accident Prevention Association of Ontario. We wish that all the drill companies in Ontario--there

must be around 19 or 20 at the present time--would co-operate. You see, with the MAPAO it is a voluntary system; you are not obliged. With the Workers' Compensation Board you have to be, because naturally you cannot work in the province unless you are registered with them. But as a manager of this association, I have asked all the companies repeatedly; every time I talk to them I ask them, "How come you don't report to the MAPAO?" We need a better base. I think the frequency is based on too few hours reported, really and truly.

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Ms. Collins: Can you explain why they are not participating?

Mr. Matte: They do not feel they have to. They hate paperwork with a passion.

Ms. Collins: It is just the statistical part you are talking about?

Mr. Matte: They are not organized like a big company. They do not have offices, secretaries and everything else. At the present moment the bigger companies have a safety supervisor. This is new in the last two years, something they never had before. But they hate paperwork with a passion.

Ms. Collins: The accident prevention association also provides training materials. Would you say that the material was suited to the type of work being done by those diamond drillers or would you not see it as suitable?

Mr. Matte: I can relate to that personally because I was with MAPAO for almost five years. I was responsible for the diamond drilling industry. I went out in the field and gave safety courses for these people--very well received, by the way--and they are still going on since I started them. At one time, training with the MAPAO meant that you had to go to North Bay, to its offices, to be trained. When I went in I said this is ridiculous because I knew the nomadic way of life these people have. You cannot do it that way. So I went out in the field and did it, and it has been going on since 1981.

They are quite conscientious about their training. They know. These young fellows are getting hurt and, like I say, they are little, stupid accidents but they wind up on record as medical aids all the time because we do not have a first aid station. In a mine it is fantastic. They have a nurse onsite. You just go down and get a Band-Aid and get back to work, turkey. It is as simple as all that. But out there no, you have to go and see a doctor, so you go on record immediately. Like I said, if the fellow is stuck in town for a couple of days, now we are on the compensable side again without any really serious injury. But the frequency is indicated that way.

Ms. Collins: Has there been any thought given to forming a provincial organization of diamond drillers?

Mr. Matte: We have one. We call it the northern safety group, which is a body within the Canadian Diamond Drilling Association. These are all the diamond drill contractors up north; even from the Quebec side they participate. We have four meetings a year--very well attended, by the way. We have one in Haileybury, the next one is in Kirkland Lake, the next one will be in Rouyn and then either Timmins or Sudbury.

Ms. Collins: What does this organization do?

Mr. Matte: This is part of our safety program. We will review accidents for a whole afternoon. We like to review incidents. Accidents are passé, but we like to study close calls. The equipment we have today is very sophisticated. I know I would not be talking out of turn even if all the contractors were in here. The price per foot for diamond drilling at the present time is very little higher than it was in the early 1970s, which means one thing: Our efficiency has gone up something fierce.

We are trying to get rid of the pipe wrenches. Now there is a real tool if you want to get hurt. They do more funny things with a pipe wrench on a diamond drill than you will ever believe. Hurt fingers, squeezed hands. Overextend pressure on it--put a pipe on it--and it always slips. The next thing you know, there is water on the floor. In the wintertime, that water turns into ice. Sure, they clean the floor every day. They have to. But slips and falls and hand injuries are the tremendous thing.

Mr. Wiseman: As someone who does not know anything about diamond drilling, I wonder, could you tell us how many people would be on a rig and what happens?

Mr. Matte: It is a two-man crew. You have a qualified runner and a helper. Sometimes, like we said, the helper may be new, but it is a team. On a contract you will have in the bush four people plus a foreman; that is, two shifts--two runners, two helpers--and a foreman who looks after probably two or three machines in the area. They are visited every day. They have good radio communication, by the way. This is one thing we stress no matter where we are: radio communication. As a matter of fact, it is all right to have a radio; what is bad about it is that the fellow does not know how to operate it, and if he does he does not know who to call. It has happened once.

As a matter of fact, I can relate to this particular incident. They had a faulty setup. It was a fly job with a helicopter and they were trying to mount the head on to the motor, a big disc which had to be pulled up and held on by pins; this is what turns the gears. The mast was not in its proper position. It should have been straight up, but it was at 75 degrees because the cylinder that they put on it accidentally was too short. That was the first mistake. The man had to hoist this heavy equipment--it was about 980 pounds--and push it into place while the helper dropped the pins in. His feet slipped, he came back and he was thrown up against the wall and he hurt his back.

The first thing they had not done was bring the radio with them; they had left it at the other setup a couple of hundred feet away. They went and got it and called the camp. No reply. The helicopter came by. By the way, when these helicopters are in the bush, they fly over all the camps; no matter where they go, they come back and zigzag and see if anything is wrong. The helper ran outside and waved; the pilot thought he was just saying "Hi" and he kept on going.

When he was picked up at the end of the shift, they went into camp to discover that the monitoring radio was in the cookshack. The cook decided to have a snooze and he could not stand the buzz, so he turned the radio off. We asked this fellow, "What was the first thing you did when they brought you back to camp?" He said, "I went to talk to the cook." The foreman said, "That was his second accident."

It was just one of those stupid things, but it is highly stressed. There is enough sophistication today with radios and communication, we find that, state of the art, so to speak, you have to have it.

Of course he has a sore back; he was off for three days. He was at the meeting, by the way, and explained the whole thing himself. We bring these people in who have accidents so that people can relate, and we do bring the drillers in to those northern safety meetings, not just the supervisors. The men take part. We have a big room, about this size, and it is full. People take part. It is very gratifying to see how it is run.

Mr. Wiseman: Those rigs are worked 24 hours a day, are they?

Mr. Matte: They work 24 hours a day, seven days a week when they are on contract.

Mr. Wiseman: If they have a lot of these rigs in an area and they bring them into a camp, I guess this is where the drug and alcohol problems arise.

Mr. Matte: The closer you get to town, the bigger the problem, for some reason or other. The alcohol problem cannot be controlled if you are living in town. What can you do? You cannot tell the guy he cannot go and have a beer.

The drug problem is almost undetectable, but you know it is there. Everybody has a joint or so, I guess, sort of thing. I would not touch any of the stuff, but the thing is, it does exist. How do you cure that? We do not know. I noticed there were articles in the Toronto Star not too long ago on that very subject. People talk about it, but what are you going to do, have a provincial policeman in the area just taking tests on everybody?

Mr. Wiseman: It used to be in the bush it was just alcohol problems, and now with the drugs it is compounded.

Mr. Matte: It is undetectable; that is the sad part.

Mr. Wiseman: How do we compare with other jurisdictions, with other provinces? You mentioned the 14.9 per cent accident rate.

Mr. Matte: It was even a little bit higher in Quebec. Ontario and Quebec are probably two of the busiest, diamond-drillwise, at the present time. Quebec, naturally, through the flow-through share system it has--and it is in place and it stays at 133 for ever and a day--is a total hive of activity.

I would say that across Canada there are probably at the present time 700 drills running, producing roughly 18 million to 21 million feet. All these reports will not come back to me. As I say, they are very, very secretive at times, they do not want to let you know exactly what is going on, but this is an educated guess and I am not far off.

I would say this association would represent between 70 and 75 per cent of the drilling that is going on across Canada, so it is a fair rate.

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Mr. Wiseman: Of that 14.9 per cent that you mentioned--I know what happens in deer hunting season, Christmas season and this sort of thing; I am more familiar with bush lots where they have to bring them out, and they are fairly minor things, because they do not have a nurse there.

Mr. Chairman: Some MPPs were not even here over Christmas when we sat.

Mr. Wiseman: How much of that 14 per cent or so would you venture to guess would be wiped out, would never go on compensation or would go away for two or three days if a nurse was there and could apply first aid?

Mr. Matte: I think it would be cut in half, if the truth be known. The companies do send me a copy of the form 7 that goes out. Sometimes it is a laughing matter to read how these things happen. They are really silly. Most of the time it says no lost time, but it is a medical aid anyway. Like I say, and you can just pick me up on it, there are no safety stations or first aid stations in the bush.

Another case: If there are four men in the camp, at least three of them have to have a first aid certificate. They are stressing that and it is taking a little time, but it is getting there. In Quebec, everybody takes it; it is mandatory. In Ontario, we have to do it on our own and we get it done.

Mr. Wiseman: Just one more question. What would the average camp size be?

Mr. Matte: Some of them will run from as high as 40 men in a big drill camp to three or four. By the way, the days of the tent and sleeping on the ground are passé. I was mentioning this particular incident with the radio. In that camp I think there were 24 people. They fly them out by helicopter. Even the rigs are moved by helicopter.

Mrs. Marland: What is the accommodation?

Mr. Matte: It is very good. It is those Atco trailers. They are 48 by 10 or something like that. They are moved in and established in an area. There are showers. There is everything you want. There are videos, you name it. As a matter of fact, some of the kids get hired today and the first thing they ask you is, "Have you got a video?" It is state of the art. We have to provide something. It is a very busy industry.

Mr. Chairman: Do you provide movies too?

Mr. Matte: They bring their own too.

Mr. Wildman: Unfortunately, some do. I have seen a couple.

I am interested in your comments on page 3 of your statement, at the beginning of the third paragraph where you say in the past two years, the industry has experienced some unprecedented demands on services. "In one year, our frequency has risen by 5.3 per cent and, thankfully, without a fatal accident." Is that last year you are talking about, 1987?

Mr. Matte: Yes. I would say that the normal operating time on the diamond drill is between eight and nine months of the year. In the summer months it is hard to move around in the bush, for one thing. It is very difficult. But in this past year the demand has been so high that it has been a 12-month operation. We are absolutely running right clean through.

Mr. Wildman: I do not know whether the gentleman has this material.

Mr. Matte: Yes, I do.

Mr. Wildman: OK. If you look at the second-last page, there are some tables there. It is lost-time injury rate, which you mentioned is a little over 14 per cent. If you look at the trend, in 1980, it was 14.8 per cent. Then it dropped subsequent to that and went back up in 1983 to 14.9 per cent. It stayed about the same. It went down a bit and then dropped substantially in 1986 and then went back up to 14.4 per cent in 1987.

Is there any possible way of looking at patterns in relation to the amount of activity? Is the percentage in any way related to having a lot of activity and bringing a lot of new workers on staff?

Mr. Matte: You read that right. Nineteen eighty-two was a very slow year. The price of metal had gone down. There was a holdup in 1986. This is when it first started to be developed. Quebec was busy. Ontario had never picked up until after that. Yes, it is related to the industry and the number of people who are in it.

Mr. Wildman: If they are really busy, you are obviously hiring less experienced people.

Mr. Matte: That is right. At the present time, if we can find a drill, we cannot find somebody to run it. We have to train immediately. What we have done in order to try to partially resolve this through the association is that we have left a very large discrepancy between the runner's rate and the helper's rate. They were going to close the gap. When you increase every year by, say, five per cent, the gap gets bigger between the two rates.

Mr. Chairman: Can you give us some specifics?

Mr. Matte: It is \$13.60 an hour for a runner and \$11 for a helper. What they said they were trying to do was to move the helper up a little bit because the gap was too great. The contractors all disagreed. Otherwise, we would lose the incentive for that particular young fellow to become a runner.

Mrs. Marland: To become a driller?

Mr. Matte: Yes.

Mr. Chairman: The runner means a driller?

Mr. Matte: Yes. There is a runner and a helper. I am sorry.

Mrs. Marland: I am sorry.

Mr. Wildman: Running the drill.

Mrs. Marland: Right. I see.

Mr. Matte: We want the incentive to be there.

Mr. Chairman: They are also on bonus, are they not? So this is the base rate?

Mr. Matte: Yes. That is the base rate.

Mr. Chairman: And they can earn double that on bonus, can they not?

Mr. Matte: Yes.

Mr. Wildman: If you look at that same table as the rest of the industry, you will notice that, in most cases, the contractors are substantially lower in lost time except in 1985.

Mr. Matte: Yes.

Mr. Chairman: I am sorry to interrupt you again, but for members of the committee, I think it is important they know the difference between the diamond drillers and the contractors. Maybe Mr. Matte could explain that.

Mr. Matte: The contractor is the one who will sink your shaft, put up your head frame and do your development underground. They pay a substantial amount per \$100. If I remember correctly, it is close to \$28 per \$100. We are at \$13.11. We were reduced by two cents from \$13.13. Their work is very demanding.

Mr. Wildman: So what the driller does is drill in a site where they are trying to determine whether there is an economical ore that could be mined?

Mr. Matte: Yes.

Mr. Wildman: Once the company that has the claim makes a decision that yes, the results of the diamond drilling indicate that there is a mine there they could be mining, then they bring in a contractor to sink the shaft.

Mr. Matte: That is correct. That is very demanding work. I know about shaft sinking and I am not going to go into detail. It is very serious. You do not have little accidents with a contractor.

Interjection: You have big ones.

Mr. Matte: Yes. They do a lot of training. I will even single out one company and I do not mind doing it. It is Jim Redpath. They have an enviable safety record and they take safety absolutely seriously. The reason that it is taken seriously is that Mr. Redpath himself believes in it. I have always said that safety is like a rope. If I am at the bottom with the rope in my hand, I cannot get out, but if you are up there with the rope, you will bail me out. This is the way safety goes. It has to come from the top. If I am a worker and I am very safety conscious all by myself and the management does not care what happens, it just wants footages, I am going to be all by myself. But if management says, "I do not mind; I want footages, but I want it done safely or else," that is the way it has to come.

Mr. Wildman: Basically, what you are saying is that--if I am reading too much into this, correct me--

Mr. Matte: Be my guest.

Mr. Wildman: What you seem to be saying is that diamond drillers tend to have a lot of less serious accidents--

Mr. Matte: That is right.

Mr. Wildman: --whereas, with contractors, the frequency may be lower but when they have an accident it can be much more serious.

Mr. Matte: It is crippling most times.

Mr. Wildman: In other words, the driller is not as likely to have loose fall on his head whereas with a contractor that could likely happen?

Mr. Matte: That is correct. As I said, we have a better frequency for many reasons. Everything has to be looked after. We do not have first aid stations where there is a nurse on site. Everything fits into that frequency. Our severity is quite low, as a matter of fact. I do not have the final costs here, but it is quite low.

1100

Mr. Wildman: Looking again at this chart, when you look at the other mines, the operating mines--gold mines, nickel mines, uranium and so on--maybe I am being too general about this, but it appears that the trend is down in terms of lost-time injuries--

Mr. Matte: Definitely.

Mr. Wildman: --whereas for your section of the industry, it basically remains about the same. It goes up and down, but you can pretty well draw a straight line across--

Mr. Matte: Yes, you are right. As I also stated in my brief, we do not have the luxury of modified work where you can put a worker on what we used to call light duty. We call it modified work for better words now. If a fellow is hurt, there is nothing he can do. He might just as well stay off for a few days until he feels better and then come back. But in mining, my God, they will have you painting walls, sitting on chairs and cleaning off couplings.

Mr. Wildman: Sweeping the drive.

Mr. Matte: Yes, anything at all. We do not have that luxury, so we are stuck, and by virtue of being stuck, we are into that frequency incidence.

Mr. Wildman: Just one other question. I was interested in your comment about the hunting season and Christmas. You have given us the chart attached to your presentation on the lost time and fatalities as of February 24, 1987. Have you ever done one through the year, the months of the year? This is from 1967 to 1987. I am just wondering if you have ever tracked them from January to December.

Mr. Matte: I do with the companies that report to the association, yes. It is done on a monthly basis.

Mr. Wildman: Can you substantiate that the rate of accidents is higher in the fall and hunting season than it is in the spring?

Mr. Matte: Aye, aye, it shows up immediately. As I said, some of them are predictable--not only predictable, but you know who is going to do it.

Mr. Wildman: OK. Thank you.

Mr. Matte: I noticed that the MAPAO had asked the drilling companies to forecast their frequency for the year, just to see if they could stay within bounds. One of them wrote a very nice letter to the MAPAO. He said, "Yes, I can, and I know exactly when these four people are going to go." He was right on.

Mr. Wildman: They must be good people or he would not---

Mr. Matte: Oh, yes, they are. Mind you, when they are working they are excellent. Now he is trying to work things out whereby, if a holiday is falling--

Mr. Chairman: You have to set the holidays differently.

Mr. McGuigan: I have a number of questions, not all related.

Where you have a camp of 40 people, from that camp you have a number of drill sites within a few miles, I suppose.

Mr. Matte: Yes, 10 or 12 miles.

Mr. McGuigan: It would be fairly easy for a helicopter then.

Mr. Matte: Yes.

Mr. McGuigan: With 40 people, would it not be possible to have a medical person for that number of people when you look at the cost of taking people out?

Mr. Matte: Yes, it is. The particular big camp I was thinking of was in Casa Berardi, but that is on the Quebec side. They have a nurse on site, and it made a world of difference to their frequency up there. The company that was operating from that particular site had an annual frequency--it had a bad year last year--of 5.7, which shows up immediately. Those are very good points.

Mr. McGuigan: Possibly that is one of the recommendations we could make.

Mr. Chairman: Sorry, I missed that.

Mr. Wildman: Having a nurse on site.

Mr. McGuigan: With 40 people, you would think it would be economical to have a nurse. It might be viable on a site where you have 40 to serve. I think that would be economical.

I am referring to your statistics that there were five fatal accidents in the last few years. Two of them were from fire. I assume that in the type of camp you are talking about where you have these trailers, they would have decent heating systems in them.

Mr. Matte: Yes.

Mr. McGuigan: The likelihood of a fire today would not be very great.

Mr. Matte: These fires, by the way, were on the drill itself. I can describe one to you, if you wish. They usually have a stove in the corner and when it is 30 below, it is glowing.

Mr. McGuigan: They have a wooden shack around the drill.

Mr. Matte: Oh, yes. If you can explain to me why a hydraulic hose, which has a circumference of 360 degrees, will have a pin-hole in it and head for the stove immediately, I would like to know, but it always seems to do that. What happened in that particular case is when it hit the stove, it did not ignite immediately. It vaporized and then it flashed and he could not get out. Two of them were almost identical.

Mr. McGuigan: That brings out a point, the \$3-million fire in Chatham within the last month or so in a collision repair shop. A hose on it for spray painting had one of those holes and hit a hot stove or some sort of a hot object and caused a \$3-million fire. People do not realize the danger there is from hydraulic hoses.

Mr. Matte: As I said, we take these things quite seriously. Some of the newer equipment out now is not heated in that sense. The motors are isolated. They have bus-type, hot-air heaters coming from these motors into the shack. It is beautiful and dry and there is no flame anywhere. The hoses are now covered with material so that if they do break, it is trapped and will just leak on to the floor. That has been going on since that last fire. It was developed by people in recent years, as a matter of fact. Something had to be done because it was either--

Mr. McGuigan: They have an armour hose around them?

Mr. Matte: Yes. As a matter of fact, they used plastic. I think it was one eighth of an inch clear plastic. When the hydraulic leaks through a pin-hole into this material, it turns white like the cup immediately. You know right away quickly, "I have a hole." So they stop, change it and put the sleeve back on. I did it at one company. He got so cute, he just hooked up his drill, a nice blue machine, and painted the sleeve blue. I said: "You have lost the purpose. You will never see it." So he changed all the plastic.

Mr. McGuigan: I always have to bring my farming background into committee work. They keep warning farmers about hydraulic hoses with a pin-point leak. It was a very natural thing to see a little pin-point leak with just the mist coming out of it. You run your hand over it just to kind of test it, the same as wet paint; you always have to touch wet paint. When you run your hand over this leak, it goes right to the bone. It is 2,000 or 3,000 pounds of pressure and it will cut you right through to the bone.

Mr. Matte: Yes. There was an incident as you describe. He knew there was a leak in the hose, but it was on the outside. He was running his hand on it to see where it was and his finger just went in front and it filled his finger. It went like an Italian sausage, just like that. They took him to the hospital immediately to emergency, and the doctor was busy so he had to wait about 22 minutes. They had to take the finger off at that point. Had he been able to drain it immediately, slice it and get the oil out of it--but it just ballooned right up. You are absolutely right.

Mr. McGuigan: Now you have this armour covering. Is that sort of mandatory? What about old equipment and retrofitting old equipment?

Mr. Matte: There is no panic. It goes on. Because these machines have to come in for checks, they put it on immediately, just on the high-pressure side; there is no pressure in the return side.

Mr. McGuigan: Most equipment that you come upon then would have the armoured hose?

Mr. Matte: Yes.

Mr. McGuigan: You say the stoves in the camp and the stoves on the drill sites are pretty well protected compared to what they used to be?

Mr. Matte: Oh, yes. We are concerned with our environment; the idea of spilling oil all over the place is totally unacceptable.

Mr. McGuigan: You mentioned that two men drowned. Was this in crossing a stream or something?

Mr. Matte: No, they went back to camp right after the first of the year--it was in Joe Lake just north of Sudbury--in one of those great big Bombardiers. They were taking it across Joe Lake. Nobody checked the ice that well. It just went down and they could not get out. That was sad. I would not want to go back too far because there was one year we lost four people in almost identical situations.

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Mr. McGuigan: Is it a common practice to go across frozen bodies of water?

Mr. Matte: Not any more, not unless it is checked and flagged all the way across. We really stress that. They are going across the ice, but it is checked. There are little trees all the way across and that is the trail you follow. Do not deviate.

Mr. McGuigan: I guess the other is mostly a road accident, which, in some sense, might not be attributed to the drilling.

Mr. Matte: No. He was going back from Hemlo to Marathon. It was at the end of his shift. It was a company vehicle and it stayed on record as an accident. I might add I knew the gentleman quite well. If he had worn his seatbelt, he would still be here. Two pickup trucks were demolished identically, one then the other, two GM pickups. In the one he died in, you could see where his knees were in the dash and everything else. The other fellow just walked away. He did not even have a scratch.

Mr. McGuigan: Then there is this business of working seven days a week. How many days would a person work without a break?

Mr. Matte: Sometimes about three weeks. They do not mind that one bit. Of course we tell them, "If you cannot cut it, let us know and we will switch around and give you time off."

Mr. McGuigan: I am just wondering, though, to what extent is that contributing to perhaps being tired, bored and whatever?

Mr. Matte: I am glad you brought that up. The funny part of it is that these people who work those hours very seldom get hurt. That is right. It is good money. I would hate to tell you what a good wage would be. I really do not know because I do not see that many, but I know a good runner personally whose income last year was \$72,000. The average would be between \$50,000 and \$55,000 and, for a helper, \$38,000 to \$40,000.

Mr. McGuigan: Two of those seven days are probably on time and a half or double time?

Mr. Matte: Each company does it differently. In most companies that I know of, it is time and a half after eight hours on that very day. If he is on that seven-day run and he is finished after three days and he has not made 40 hours that week, he is still getting time and a half for those three days.

Mr. McGuigan: It is interesting that you have fewer accidents with those people.

Mr. Matte: That is right. This is why I never relate the bonus. Of course, personally, I do not because I remember being questioned about it years ago. I was underground then and my underground crews on bonus never had an accident. It is just the guy who is fooling around and should not be doing something; he was the fellow I worried about all shift. I know the law stated--it is in the green book--that any place where you drill and blast during a shift, you have to visit as a supervisor.

There were times when I was really strapped and with a bad situation. I had two big beasts of curtain at the 6,000-foot and 6,200-foot level. I had a tremendous problem in an area. I would talk to these men underground in the morning and I would tell them: "There is a possibility that I cannot get to see you today. You have to drill and blast. Whatever you do, do it well." They said, "Do not worry." They were making good money. I had a bigger problem in another area, but I never worried about them. They were doing well.

Mr. McGuigan: I think those are all the questions on that. Thanks very much.

Mr. Chairman: There are a couple of things, Mr. Matte, that bother me about your presentation. First of all, the members of the diamond drilling association pay a very high rate, \$13 or \$14 per \$100 of payroll. It is expensive. Despite that and despite over the years that unacceptable--I am sure you would agree--level of accidents, even if you do, as you say, attribute half of them to what you might say are unjustified claims, you would still be higher than anybody else in terms of lost-time injury rate. Even if you cut it in half, down to 7.2 per cent, you are higher than anybody else.

I think saying that the workers are going hunting does not address the problem and it may be indicative of an attitudinal problem in the association, if I could be so bold as to say it.

The other thing is, despite this high rate, there is no training program for new people. I have seen statistics--and these statistics have been challenged--that say that over 50 per cent of all accidents in mining occur in the first year of employment. Despite that fact, the drilling people have no training program. After all these years, they are now developing video and so forth.

I just do not know how the drilling association can expect to have that rate go down if (a) you do not have a proper training program, and (b) the attitude of the drillers is that it is those guys bugging off that is causing the high rate. I do not know how we can ever expect that there will be an improvement, if I could speak so directly to you.

Mr. Matte: You can and I will even elaborate a little more on that particular topic. I think Mr. Baird of Inco stated in an article that the reason that not much is being done in the diamond drilling industry is because the diamond drill contractor does not really care. The client will pay. It is shifted on to the client. He does not care if it is \$50 per \$100; it goes to the client.

I had said that at a meeting of eastern contractors probably two months before this article appeared.

Mr. Chairman: Who is your client, the contractors or the mining company?

Mr. Matte: The contractors.

Mr. Chairman: Not the mining companies.

Mr. Matte: No, not the mining companies.

Mr. Chairman: Even though the contractors pay a lower rate than you, if your rate is 14.4 and you are paying \$13 or \$14 per \$100 of payroll, something is staying with you; it is not being shifted on to the contractors.

Mr. Matte: No. When I am talking about contractors, I mean drilling contractors. I had stated that about two months prior to what Mr. Baird said in this article in the paper. When this came out, I had several phone calls from the principals of these companies asking me, "When were you talking to Mr. Baird?" I said: "I never did. It was obvious, the way you are behaving."

I have to admit that at the present time the training is being taken quite seriously.

Mr. Chairman: Do you have a common training program?

Mr. Matte: No, just underground, which is easy. We tackle the training program by the safety aspects. We start off with safety courses for these men. This is why these videos are being made. They are costly, mind you, but they are having their effect. We do not like this 15 per cent frequency. It is horrendous. We would like to get down and down fast. We are working at it, I will tell you. It is a very serious topic. Every time we have meetings, that is the first thing that comes up. Something has to be done because to us it is unacceptable also.

Mr. Chairman: Do you think there is still a frontier mentality, if I could be a bit pejorative, almost a Rambo kind of mentality in the industry, of going out into the bush and drilling in new territory?

Mr. Matte: I will not disagree. Yes.

Mr. Chairman: Do you have an experience-rating system in which companies pay different individual rates according to their accidents?

Mr. Matte: No, we have not gone that course, but it has been thought of quite seriously and I think it would be quite acceptable to pay for your own injuries. We keep telling them: "You are going to have to pay for one of two things. You are either going to pay for safety or pay for your accidents." We know that safety is a lot cheaper. We do not like to see somebody hurt, especially in times such as these. A man who is hurt is not working, and you are already short of help to begin with.

Mr. Chairman: If you look at the lost-time injury rate, it shows gold mines, 3.1 down to 2.6 in that seven-year period; nickel from 11 to 2.9; uranium from eight to 3.7; mixed mines 3.6 to 4.1--that is up slightly--iron mines 2.2 to four--that is up--diamond drillers 14.8 to 14.4; contractors 9.9 down to 6.7. You could draw a line throughout the industry and you would see that it is sloping downward, but not through diamond drillers.

We have talked to a lot of mining companies, associations and things like that. They invariably stress to us how important the training is, how seriously they are taking it and how seriously management and workers are working together to resolve the problem. Maybe there is more going on with the drillers than we think.

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Mr. Matte: In this particular industry, no matter where you go, the problems are always different. Geography will change, with different setups. It is hard to regulate that this is how you will move. In a lot of cases the equipment check is the most important one. That has to be done every time. We cannot fail at that point.

Mr. Chairman: But there is still no requirement that when you hire a new person--with all the drilling in gold mines lately, is it not simply almost totally on-the-job training? He is hired, he works with somebody and he learns that way.

Mr. Matte: That is right.

Mr. Wiseman: Maybe you can respond to us along that way. The conversation has been going back and forth. If they are anything like a lot of people in the bush, those people probably have not had too much formal training in school, as far as education goes, but are able to exist out there in the rugged country. You can explain safety to them, but if it comes to much schooling, they will probably tell you to stick it in your ear. They know how to exist out there, if they are like some of the bush people I know who are in the bush all winter.

Are they prepared to take a little bit of formal training? Are a lot of them who do that kind of work drop-outs from grade 8 or grade 9?

Mr. Matte: At the present time, we are getting a better breed. You are going to need a better breed and they know it. The equipment is very sophisticated now.

But the thing is it does happen when you bring a new fellow into the bush. We keep telling these companies time after time, especially talking to the foreman on the job. He will not even think of what he is going to tell this young fellow. He says: "Look, we've got to get some wood for the stove. There is the chainsaw." He has never had a chainsaw in his life. From that point, it is predictable what is going to happen. First, he is going to cut a lot of trees the wrong way. He is probably going to drop one on his foot and the next thing you know, you have to take him out. There is nothing more drastic.

Mr. Chairman: Drop it on the shack.

Mr. Matte: Yes, drop it on the shack. Do not laugh. These are the things we are trying to correct. From where I stand, the best place to learn is on the job, but it has to be taken seriously by the people. We are after the supervisors now to take it very seriously, because we cannot have this.

Mr. Chairman: Do you think you will ever have it taken seriously until you have a provincial association that is either under the Mines Accident Prevention Association of Ontario or your own association? How can you ever get your act together as a group of drillers spread all over the

place and moving constantly? I understand that. How are you ever going to get your act together on safety if you do not have a provincial association? You pay provincial rates. You pay to the Ontario Workers' Compensation Board, not British Columbia or Quebec.

Mr. Matte: That is right.

Mr. Chairman: Do you think that will ever happen?

Mr. Matte: A provincial association? I know what you mean. You have water well drillers and stuff like that. They are all provincially situated. There is merit in what you say, but there is also merit in the way we are trying to do things through that northern safety group, as we call it.

As you say, we are spread out. It is hard to see everybody. It is almost impossible. I know that if I was, say, 30 years younger and I decided to go and look at all the drills within the next three weeks, I would need three months to look at them all. But we are tackling it from the supervisors now. These are the people who have to take this seriously.

To me, for a long time all the drill boss ever did was go into the shack and ask, "How many feet did you get last night?" take the footage reports and take off. We do not want that any more. He is the boss. He is going to look at things and rectify things that are wrong immediately, not say, "I am going to fix it tomorrow." Now. It is starting to work.

Mr. Chairman: I do not know whether the drillers have seen some of the efforts that the mining companies have put into safety, but some of the things they are trying to do are very impressive. They are not saying that everything is working fine either, but they have really taken moving in that direction seriously.

Mrs. Marland had a question.

Mrs. Marland: It was about the lost-time injuries and the lost-time injury rate figures. I guess they are actually attached to our report.

I guess I do not quite understand on this report how it is that the diamond drillers are at 14.4 in the rate chart and the contractors are 6.7, and yet in the list of injuries it is 139 to 140. Is it because the rate is per number of hours operated? Is that why it reads out that way?

Mr. Matte: Yes, that is the basis.

Mrs. Marland: On your chart of the lost-time and fatal accidents, when you look at the picture over the 20 years, in fact it is almost where we started except there have been ups and downs, recognizing that some of the peaks and valleys are related to demand of the product, of the ore or the work in the industry. Recognizing that this is the only chart I think we have looked at this morning and that it is worked out on the number of hours--so we are talking about employee hours, we are not talking about in comparison to the other types of mining--this is very specific. Although it is not indicating an overall reduction 20 years later, I do not interpret this as being very bad. How do you feel about this chart?

Mr. Matte: I do not feel bad, and I am going to answer another question that is going to come up. It is also Mr. Laughren's concern. He was asking me at what particular periods these frequencies change.

When we come back to work after Christmas, the fellows are out of shape--trust me--and they are getting a little careless. It is like any other thing that you do. I am sure that when the baseball season finishes, they would never take three months off and come back and play the next game without being down in Florida right now training like crazy, and this is what we fail to do. There is really no getting adapted again.

I know, and probably Mr. Laughren would know this, that when Inco closed for nine months, did they hire all the miners right back and go back to the stope immediately? No way. You went back to that period of adjustment where you picked up your scoop tram and learned how to drive it again, got familiarized. You did not go to work immediately.

This is what we are trying to stress also--fitness. You are not ready, and this is when we are having a heavy rate of accidents, just about at that point. The wrenches are a little more slippery, they are a little heavier, you have not used them for a while.

Mrs. Marland: In this chart, if you really look, 20 years is a long time in an industry, but the first 10 years, 1967-77, overall were higher. This last 10 years, although the final figure is 14 as opposed to 12 in 1967, overall the direction is improving. That is why I just wondered. I am not dealing with the fatals line but just the lost-time frequency.

Mr. Matte: If you relate that also, the high frequency, to our costs to the Workers' Compensation Board, the contractors have an enviable frequency but then it costs them \$28 per \$100 because their severity is extreme. We have a very low severity. You could wind up with a high frequency, which is most unfortunate, through several reasons, but our severity is very low. We do not have any really serious accidents.

Mrs. Marland: If I have to be flown out because of an injury, if it ends up being minor and not compensable, do I lose money from the time I stop working?

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Mr. Matte: No, as a matter of fact, we are telling the contractors now that it is better to absorb the cost and just go to the medical aid side. Do not put in for the cost. You have to report it anyway, but do not go for the compensation. They are doing that now, by the way.

If a fellow is stuck because he flew out and the weather is socked in and he cannot get back in, he gets paid his rate until he is back.

Mrs. Marland: That is what I wondered.

Mr. Chairman: Let me get that straight. If a person has a problem and they have to fly him out--or not fly him out, I do not think that is central to the question--it is recorded as an injury, right?

Mr. Matte: Yes.

Mr. Chairman: By law you have to record this injury.

Mr. Matte: That is right.

Mr. Chairman: But you do not send anything to the Workers' Compensation Board?

Mr. Matte: Oh, yes. The form 7 goes in and it is recorded on there, "No lost time." Even though the fellow was in town two days, he was treated as if--

Mr. Chairman: You just carry on his salary?

Mr. Matte: Yes.

Mr. Chairman: OK. So the question then that comes to mind--and I think it is OK--is, if there is an aggravation of that condition or a recurrence of it, caused by that original accident, what happens when that claim goes in?

Mr. Matte: It gets a new number, unfortunately.

Mr. Chairman: Pardon?

Mr. Matte: It gets a new number, unfortunately.

Mr. Chairman: You see, that is the danger of what the companies are doing. Let us say it is a back strain. I know that is maybe not quite a fair example to use, but it is a very common one. The problem is a back strain. He goes off for three days. He really does hurt his back, right?

Mr. Matte: Yes.

Mr. Chairman: Let us talk about a legitimate case here. He has a back strain. The company says, "Look, we'll record it because it was an incident on the job." In three or four days the fellow feels fine. He says: "Look, I'm okay now. I'll go back." He goes back into his job and he is fine.

A week later, or two weeks later, or whatever, suddenly that back is really bothering him, but it does not bother him on the job. He has flown out for a holiday or he has booked off to go hunting, and he hurts his back.

Mr. Matte: Carrying the deer out.

Mr. Chairman: Whatever. Yes, it could be something at home or it could be carrying the deer out. Suddenly, that is not a recurrence of a compensable incident, is it?

Mr. Matte: Not in that particular case, because it did not happen at work.

Mr. Chairman: No, but the triggering--

Mr. Matte: The triggering mechanism did take place at work.

Mr. Chairman: --took place on the job. Then that fellow ends up in our offices, around this table.

Mr. Wildman: Trying to prove that it is a recurrence of something that happened on the job.

Mr. Chairman: Yes. The board says: "Wait a minute, now. We have no lost-time report."

Mr. Matte: The medical association has a foothold in this thing.

When you go to see a doctor for a sore back he tells you, "OK, come back and see me in a week." Then he says: "Fine, how do you feel? Good? OK, back to work." The thing is, the medical association looks at it this way. Now this gentleman is 100 per cent fit and is going back to work. As you say, if, a week later, he does the same thing--perhaps he slips with a pipe wrench--it is the same thing as last time. A whole new number applies. Because he came back, it is considered as something else.

Now, as you know, with the WCB, you have an unfunded liability. Now these people who get hurt time after time with the same incident, I mean, it is all a new pension every time. But, you know, if he ever does get a pension, he is going to get only one. All this time he has been on that, several cases of injuries with several numbers, but he is going to get only one pension. But you are going to pay as though he is going to catch 15 of them.

Mr. Chairman: Wait a minute, now. You have totally lost me there.

Mr. Wildman: He is talking about the assessment.

Mr. Matte: OK. On the assessment, the unfunded liability is what fits into this because, as you go back and you have a claim on your back--and as I say, as a recurring injury or the same thing--it is a whole new number, so it goes into the board under a new number again. It is another injury.

Mr. Wildman: The board is counting it as a number of different people, as well as different injuries.

Mr. Matte: That is right.

Mr. Wildman: So the liability of the board is increasing; therefore, the assessment has to go up to the industry.

Mr. Matte: We brought that up to the government.

Mr. Chairman: Despite that, they have an unfunded liability.

Mr. Matte: It will be paid for in the year 2014. I do not think I will be around to see it.

Mr. Chairman: Pardon?

Mr. Matte: I do not think I will be around to see that. That is a long way down the road.

Mr. Chairman: Right. Not even Ms. Collins will be around. Are there any other questions of Mr. Matte?

Mr. Wiseman: I just wanted to ask about the rig. You mentioned the rigs. Is there no government inspection of those rigs? If there is, how often is that done? I guess another question is, of those injuries, how many would be as a result of poorly kept rigs, because maybe they do not grease or oil them, or whatever they do, often enough because they are trying to make more footage or something?

Mr. Matte: That is a very, very acute question. No, the rigs are all in pretty fair shape. They have to produce right now. There is no way out. The sophistication now is such that a runner, would you believe, is just working with little levers from a control panel? Everything is hydraulic. Some of them

do not even need pipe-wrenches. There are break-out tools. As you pull the rods, they come apart. You hoist it up and all the helper has to do is just lay to it the side. The material in those rods is much lighter than it used to be. Back in my day, my God, if you had a drill rod, you had something, but now it is seamless tubing and it is all hydraulically operated. There is very little heavy physical effort.

Mr. Wiseman: I was going back to when you mentioned when they did not have the drill upright at the right angle.

Mr. Matte: It was changed immediately. But then the fellow was hurt first, because the cylinder they put on was too short. Nobody realized it until they got out in the field. They complained about it and they said, "Well, we are going to get one in from the shop immediately." But that was one day too late. They used it trying to set up the drill. They should have stopped it immediately and said: "Look, this is not right. Leave it."

Mr. Wiseman: And to take out that core, as you mentioned, where they have the wrenches and everything, now they do not have to do that? It is all essentially automatic?

Mr. Matte: No, it still sticks behind the coil spring. You do not hit it with a hammer because you do not want to damage it; you hit it with the handle. It is a 10-foot tube and some of that core is like a razor sometimes. It is into a sliver. I do not know how many times you have to tell them: "Never put your hand in front. You lay it in the box and let it hit the box." But you are always going to have some smart little turkey say, "This will stop it." It stops it all right, with a hell of a nick.

These are practices we try to instil, especially into the new drillers, the new helpers. We never show anything negative to a new man. We keep it on the positive side. Everybody is going to pick up bad habits. I have a very bad habit. You will not believe this. I drive an automatic and I panic-break with my left foot also. You are not supposed to, if you read the good book. But it is just a habit that you acquire. Everything we teach a new driller is positive, nothing negative. We will tell him how he can get hurt if he does not follow the rules, definitely.

We have inspections on those drills by the companies themselves and by the Ministry of Labour very frequently, even more so in Quebec. We have to follow the rules as they are written in the book. All the machinery is guarded and there is no excuse for a guard missing. We will not tolerate that.

Mr. Wiseman: Just one other question. The helicopters take them in and out and then fly over periodically to see they are all right. Does the supervisor of those 24 or 40 camps fly in at different intervals to the rigs that are out in the field around the camps to check things. If I were an owner of a lot of drills, would I expect my foreman to make regular trips around and to make a report on a regular basis?

Mr. Matte: Absolutely, weekly reports. They have a checkoff system.

Mr. Wiseman: Does he go around daily, or how often does he check that the rigs are safe?

Mr. Matter: If that particular rig--we are talking about a camp now--I do not think a foreman at any one point will look after more than five drills. That would mean if there are 20 drills in the area, there will be five

foreman in that camp. They are visited daily, on a daily basis, without fail, and always in radio communication. That is the first thing.

Mr. Wiseman: I was just thinking of checking for safety.

Mr. Matte: Oh, yes.

Mr. Wiseman: This sort of thing, to have him on the spot.

Mr. Matte: Definitely, that has to be done. We stress that this is one of the immediate things. If something is wrong, for God's sake, do it now. Do not wait until tomorrow, because tomorrow could be too late. With regard to that case in point, about that mast that did not come up to 90 degrees, it was coming up to 90 degrees the following day, but on that particular day, it did not. He should have stopped it and said: "Look, we have the wrong mast here. Hold it until we get it." They are very eager beavers. The men themselves are very eager. I will say that much.

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Mr. Wiseman: You mentioned the drill. Is it now just about the same as they did back 20 years ago as far as production is concerned? Is there more stress put on those fellows? There are better drills and so on, but is there more stress put on them in order to keep the price for whatever they give the people who own the rights to the mines? Are they pushed more? Have they cut back their bonuses so that they have to produce more footage each day than they did previously?

Mr. Matte: I am answering this with hindsight. I would say it is easier today. There is less stress today. Everything is running a lot smoother, a lot easier, even in wintertime. The equipment is much easier to start, easier to handle. There is less stress, but the thing is, it runs so much smoother, so much faster.

I remember at one time when you were drilling, say, 10 feet of core, in order to retrieve that core, you had to pull all the rods out to get it out. Now we have a wire mine system which goes down and retrieves the core. You just pull it out, put the tube back in and away you go again. If you are down 2,500 feet, that would take about six minutes. In my day, that took the rest of the shift.

Mr. Wiseman: I am trying to find out how we get so many accidents. I thought maybe we were pushing them harder and that was part of this, but I guess it is not.

Mr. Matte: We have had wire line accidents and some of them have been predictable. It is very unfortunate when one of them falls into the mining category, as at Falconbridge last May. We had talked about that at the northern safety group time and time again. Everybody acknowledged that there was a bad setup and that should be covered. People will be people. You may tell somebody forever and a day never to touch a cable that is in motion. How many times do you have to tell him? Bingo. But it is such an easy thing to go and hit and it will go back into place. At that point in time, there is a sleeve coming up, and there you go.

We have a diamond drill instructor. He has fingers missing. He is the hardest person to shake hands with because boy, if you miss, you go right up to his elbow. He is my cousin. That was an accident where he touched the cord.

Mr. Miller: You have certainly brought the liabilities in the diamond drilling industry to the fore. What role do you believe this committee might have in making recommendations? Do you have any suggestions that might be useful in providing more safety in the diamond drilling field that you want to leave with us?

Mr. Matte: I think the one I touched on was on that second page where I said it should not be legislated. Just try to get all the drill companies operating in Ontario to report to the Mines Accident Prevention Association of Ontario so that we can know what is going on. There are too many secrets. I think they should report. With the big companies, it is not a panic. They all report quite faithfully, hours and accidents. It is easy to know what is going on. If you do not know, how are you going to correct it? But some of them just do not want to report, for whatever reason. It is not an effort to do this. They know this, but they do not have to.

Mr. Wiseman: Those people probably do not come out to your meetings that you have four times a year.

Mr. Matte: A lot of them do. I keep asking, "Why don't you report, even to me?" They do, because there are safety awards within our organization which are handed out yearly and they are very proud of them. But for some reason or other, whether they say it is time--you are going to have to keep track of your hours no matter how you do things. What is the difference between copying a sheet and sending it out?

I wish this could be pressured. If the word has to be used, let us use it.

Mr. Miller: What about the training program? Is there a role there to be played in this?

Mr. Matte: A training program is going to be in place through the Ministry of Skills Development for underground. They are going to have to go through the common core, and that is already established. I was at a meeting not too long ago. I will be at another one at the end of March. For surface, we are going to have to tackle it possibly differently. It is going to have to come from a safety angle to begin with, because underground you have an established setup; this is your station. You go to the dry; you change your clothes; you go down; you take your battery; and you put on your checking board. It is such a regulated system.

On surface, it is not so simple because you do not know how you are going to get to work--skidoo, walk, helicopter. The approach is entirely different and we are going to take it from the safety angle. Everybody is going to have to take that safety course and know what it is all about.

Mr. Miller: Are drinking and drugs another area? That can cause problems. You do not know what you are doing when you are not thinking properly.

Mr. Matte: In some of the camps that are isolated, the companies like them dry. They stress that. If you want to have a good time, take a weekend off and go. I do not know what you can do about drugs. I am willing to listen to anything anybody tells me on drugs. It is not that big a problem but the companies are concerned. It has been stressed a few times. I guess you do some very funny things with drugs.

Mr. Chairman: Lorraine Luski, our research officer, had a question.

Ms. Luski: You mentioned that the diamond drillers are all on bonus. What happens to their bonus rates when their rig is down?

Mr. Matte: Do you mean moving or broken down?

Ms. Luski: Yes. If the machinery ever breaks down, what happens during that period of time in terms of the hourly rates of the operators?

Mr. Chairman: Or regular maintenance even.

Mr. Matte: They get their regular rate, but the bonus is tough bananas at that point. It is only related to production.

Ms. Luski: I see.

Mr. Matte: This association does not deal in the bonus situation. Each company does it differently. They may pay a certain rate to 500 feet, and another rate from 500 to 1,000. Some companies will pay the same rate all the way through, even if the hole goes to 5,000 feet. There is a structure in some of them, but I do not know what it is. That is their secret. We try to keep the pay scale at the \$13.60, \$11 level--that is known--for fairness, to give everybody a chance when they are bidding. If they want good men, or if they want to cheat on the bonus side, I do not want to know about it.

Mr. Chairman: It sounds as if he is fixing a trade to me. He has not got a monopoly on the--

Mr. McGuigan: You need a marketing board here.

Mr. Chairman: Yes, the marketing board.

Ms. Luski: Is bonus paid by footage or by recovery of the core?

Mr. Matte: By footage. Even if you have a hard time in going through a shift or something, you are paid on the footage base even if the core is very hard to recover. There are different types, like reverse circulation. It is like a soil-testing thing. They get paid by the amount of soil testing they do.

Ms. Luski: Just another couple of questions. Are diamond drillers in Ontario members of the Ontario Mining Association?

Mr. Matte: No. I am. Through the association, yes.

Ms. Luski: OK.

Mr. Chairman: I am sorry. What does that mean?

Mr. Matte: I relate to it, like Bruce Campbell. I have meetings with Bruce Campbell. They were divorced before with the MAPAO, but that is another story. I attend the OMA meetings.

Mr. Chairman: But is the drilling association a member of the OMA?

Mr. Matte: No.

Mr. Chairman: You are not listed as a member company?

Mr. Matte: No.

Mr. Chairman: And none of your member companies is?

Mr. Matte: No.

Ms. Luski: Just one final question. You mentioned you do not have a provincial association but you have an association called the Northern Safety Group, which is sort of a quasi-provincial association, if you could say that.

Mr. Matte: That is exactly what I would say. It is part of the association. It is under the umbrella of the Canadian Diamond Drilling Association. I am the secretary of that particular group. I manage this association and that one too.

Ms. Luski: What is the mandate of that group?

Mr. Matte: It is just a safety association. We love to review accidents, for one thing. We like to study what is going on. We have speakers come in and give us a talk on things that pertain to diamond drilling. New equipment, what it is all about, is introduced at those meetings so people will get familiar with it. Everybody is invited and it is usually one whole day. We do not know all the new products that are on the market, and there is all kinds of sophistication, believe me. It is very interesting.

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We may not understand the new transport rules on how to move propane with a pickup truck. We had someone from the Department of Transport come in and explain it to us so that everybody would understand.

Recently, we talked about accident investigation; how those things should be reported. Unfortunately, this is not very well received. What happened was, when these miners were charged at Inco, it was a case of "I didn't see anything." They do not want to report, unfortunately. I do not how to get around that one. If somebody could bail me out as you think about it in committee, please let me know. There is a negative attitude all of a sudden since those charges have been laid. It is very difficult to get the men to co-operate and tell us what happened.

We like to investigate all accidents. We like to know what happens and why. It is so simple. Once you know why, you will not do it again unless you--I remember my dad used to tell me: "The first time, son, that is an accident. The second time you are downright stupid." He meant it.

Mr. Miller: What is your role with the diamond drilling association?

Mr. Matte: I manage the association for them.

Mr. Miller: You are a paid employee of the association?

Mr. Matte: Yes. Dues are levied on all the contractors and companies that participate. We have an active membership, an associate membership and a mining membership. Inco and Falconbridge belong to this association. Kidd Creek, Redpath, Patrick Harrison and Giant Yellowknife all belong to the association.

Mr. Miller: How long have you been in the position?

Mr. Matte: Three years.

Mr. Miller: Before that you were in the field?

Mr. Matte: Before that I was with the Mines Accident Prevention Association of Ontario as a field representative responsible to the mining and drilling contractors. Prior to that, I was giving Doug Wiseman a hard time in Perth for about eight years.

Mr. Miller: Are you one of his constituents?

Mr. Matte: Yes.

Mr. Chairman: Did I hear that Falconbridge is a member of the association?

Mr. Matte: Yes, they are.

Mr. Chairman: Because they go out and do drilling.

Mr. Matte: Yes.

Mr. Chairman: Will members of your association know what you told us today?

Mr. Matte: Yes, I have circulated this to them.

Mr. Chairman: You circulated your brief to them.

Mr. Matte: Yes. They all knew. They know where I am right now.

Mr. Chairman: I just like to have some accountability in the system.

Mr. McGuigan: As a matter of clarification on a question Mr. Wiseman brought up earlier, do you hire from a different pool than the mines hire from? Referring to the chairman's remark on the the Rambo attitude, are you hiring from a different group of people than the mines hire from?

Mr. Matte: Yes, we do. This industry, right from the time it started, has been extremely family oriented. If you are going to hire because you need a helper, you know it will be either a son-in-law or his friend. We have father-and-son teams on drills. That is not an uncommon occurrence. Going back, I remember in Sudbury when Smith and Travers was there, if your name was not Vaillencourt or Potvin, you did not work on a drill. It has always remained a little bit that way. They are like big families.

Mr. McGuigan: Do they come from little small villages?

Mr. Matte: I think that if you are going up north and you get around New Liskeard and you cut across to Notre-Dame-du-Nord on the Quebec side and you start up all the way to Rouyn, every second house has a driller in it.

Mr. McGuigan: They do not come out of Sudbury or Timmins.

Mr. Matte: They have a few, yes. It is getting better now. With the diamond drill school, they are picking them from all over the place. By the

way, those students only have two classes a year, 22 weeks each, there are about 15 graduates and they have a job as soon they are finished.

Mr. Chairman: Where is that?

Mr. Matte: In Haileybury.

Mr. McGuigan: I do not think I have heard about that before. Is it a school for diamond drillers?

Mr. Matte: Yes, and it has been sponsored by the CDDA. It is our equipment that is out in the yard that they use for training, but it takes 22 weeks to get a graduate through.

Mr. Chairman: What kind of health and safety component is there in this? How much health and safety is in that course?

Mr. Matte: I think it is all safety, for one thing, the way it is taught. The MAPAO will give a safety course at that. I will go and give another one on proper behaviour when they leave and they start to work. There is a bit of a problem with some of these students that they come out and they go and work for an old runner, and of course he has been taught different procedures. You should never, never tell an older fellow that is not the way to do things. You are off on the wrong foot immediately. I tell them, "Now that you fellows know how to drill, the next thing you have to learn is to be a diplomat."

Mr. Wiseman: That goes for committees, too.

Mr. Chairman: I hope the members of the committee are listening to this.

Mr. Matte: You have got to tell him in such a way that he believes he thought of it himself.

Mr. McGuigan: I once blasted with an old blaster. I decided if I was going to survive, I was going to take over from him, and I did. He carried his caps in his toolbox.

Mr. Matte: That is clever. I do not blame you.

Mr. McGuigan: I decided if I was going to live, I was going to take over. Anyway, going back to that school again, is it one course a year, 22 weeks?

Mr. Matte: There are two of them. There will be a graduating class in May and the other one is just before Christmas, around December 15. They go from there. At Christmastime they just go home for a short spell and they already have a job.

Mr. Miller: How long have the classes been operating?

Mr. Matte: Fifteen years.

Mr. McGuigan: Do these fellows get any extra pay because of the--

Mr. Matte: I think it is federally sponsored through the Department of Employment and Immigration.

Mr. McGuigan: So they get paid on the job?

Mr. Matte: Yes, they get paid while they are in there.

Mr. McGuigan: When they graduate, do they get extra pay because they have taken this course?

Mr. Matte: No, at that point in time they are looking for a job.

Mr. Chairman: As a matter of fact, the Haileybury School of Mines is under siege these days. There are less than 100 students. It is now associated with the Northern College of Applied Arts and Technology, is it not?

Mr. Matte: That is right, yes.

Mr. Chairman: There is a lot of talk about what should be done with the Haileybury School of Mines, whether it should be kept open or it should become part of Cambrian College of Applied Arts and Technology. It is really causing a lot of anguish.

Mr. Wiseman: Of the ones who are having problems, could the Workers' Compensation Board give us any idea who has taken that course versus the person who just went out with his dad or a relative on the rig? I wonder if it shows that they are more safety conscious?

Mr. Matte: Yes, they are. As a matter of fact, a lot of them are foremen today and this is where they pick the material from. The school itself keeps a record of all the students right from day one and, except for possibly a very low percentage, it can tell you where they are today.

Mr. Wiseman: It might be a part of what we are thinking about that we enlarge this or something for the diamond drill operators, if their record of safety is that good, rather than just take the son or son-in-law on with the dad. Maybe he would take over some of dad's bad habits.

Mr. Chairman: I think the problem is that is a post-secondary program.

Mr. Matte: Yes, that is right. You have to be out of work and over 18.

Mr. Chairman: Do you not also have to have grade 12?

Mr. Matte: Oh yes, I am sorry.

Mr. Chairman: You have to have some facility in math, science, English and so forth. It is not a program you can automatically slot people into.

Mr. Matte: They will teach it in two languages.

Mr. McGuigan: There are a lot of people who are drillers who certainly would not qualify for the academic side of it.

Mr. Matte: No, not really; that is right. You have a point. No, they would not.

Mr. McGuigan: That is something perhaps we should think about in our recommendations.

Mr. Wildman: Which is another reason why graduates of that school may end up eventually as foremen.

Mr. Matte: That is right.

Mr. Chairman: Any other questions? Mr. Matte, thank you very much. We appreciate the very frank and straight-from-the-shoulder way you have of presenting your thoughts to us. The committee will be thinking about the diamond drilling when we write our report. We will make sure you get a copy of our recommendations so that you can recognize yourself in the recommendations. You may not want to admit that to your membership company, but that will be your decision. We do appreciate very much your presentation to the committee.

Mr. Matte: Thank you. At my age, they accept what I say.

Mr. Wildman: They go by your motto: Do not tell an older guy how to do things.

Mr. Wiseman: Why do you think he said that?

Mr. Chairman: There were some members of the committee not here earlier when we made a decision. We did not make it because you were not here, but we made it anyway. That is, on March 20, Sunday evening, instead of March 21, we will be flying from Toronto to Timmins to meet with groups, and then we will pick up the schedule for Red Lake, etc. So it does not change the rest of the week at all. The only change is that in order to accommodate that part of Ontario, we have agreed to go to Timmins for Monday.

Mrs. Marland: That is Sunday night.

Mr. Chairman: Yes.

Mr. Wildman: Timmins on Monday.

Mr. Chairman: Yes, and then everything else is the same after that. It was not done without some debate and anguishing, but that is what we decided to do.

Second, you have tickets for the flight to Windsor. The mine has asked us if we can be there tomorrow morning by 8:30--I know that is early--so we will meet in the lobby of the Hilton at around eight and we can head out from there.

Clerk of the Committee: You will not be here this afternoon.

Mr. Chairman: We will not meet this afternoon. Tomorrow afternoon, the flight leaves Windsor at five. So it will not be a long day. It will be an early day.

The committee adjourned at 12:02 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

THURSDAY, MARCH 10, 1988

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution: .

Tatham, Charlie (Oxford L) for Mr. Miller

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the United Steelworkers of America:

Kanabe, Albert, Chairman, Safety and Health Committee, Local 5417.

Salmon, Keith, Compensation Officer, Local 5417

Carriere, Norm, Co-ordinator, Occupational Health and Safety, District 6

Allard, André, Chairman, Environment, Safety and Health Committee, Local 5762

Perquin, John, Staff Representative

Mondoux, George, Member, Safety and Health Committee, Local 5980

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday, March 10, 1988

The committee met at 10:13 a.m. in committee room 2.

MINING SAFETY
(continued)

Mr. Chairman: The committee will come to order. The clerk is distributing the agenda for this afternoon and this morning. If you have any additions to that agenda for this afternoon, would you please indicate, so we know ahead of time what we are going to be discussing.

This morning we have with us the United Steelworkers of America from Elliot Lake. Those of us who were in Elliot Lake together may recall that they began their presentation in Elliot Lake and we ran out of time. That was unfortunate and we were fretting about that, but I think we have come up with a compromise, where the gentlemen are here this morning and we can deal with their brief now.

Could you come up to the table here? How many people do you want up there? As many as you want. You can put more around if you want to. Somebody can sit here, because there is a microphone there. Especially if you are going to be speaking, you should be at a mike.

For the benefit of the Hansard, please introduce yourselves and proceed.

UNITED STEELWORKERS OF AMERICA

Mr. Kanabe: My name is Albert Kanabe, and I am the chairman of the safety and health committee of Local 5417, United Steelworkers of America, in Elliot Lake. On behalf of the local, we present to you our brief. Just for clarification, I think you mentioned that at that time we submitted the brief, we did not have enough time for questions. When you questioned me, it was a question regarding what I meant by putting in an accident prevention committee.

The accident prevention committee would be a committee that is attached to the safety and health committee and would work in conjunction with it to prevent accidents. If an accident occurred anywhere, that committee would investigate, get the engineering recommendations and proposals right away to all the companies in the area that are concerned in regard to those accidents.

The United Steelworkers of America wrote a little booklet on it, and I would like to submit the booklet to each of you. In your time, if you read it, it is very explanatory of how we should put that committee together.

In Ontario, we are spending almost \$5 billion on accidents, incidents and fatalities. That is a gross cost. For a little money to put that accident prevention committee together, it would be really feasible and would be of much help to you, in our recommendation. That is my explanation on the accident prevention committee.

Does anybody wish to ask me further questions?

Mr. Chairman: We have not had a chance to read it yet, but the thing that comes to mind really is, what does this do to the joint health and safety committee?

Mr. Kanabe: Say there is a serious accident or a fatality. It would have to make a recommendation, such a recommendation that it would not occur in the future. Just to give you a brief example, we had a fatality on the doors in the Stanleigh Mine. Apparently the safety committee looked at those doors, management looked at the doors, and we were all under the assumption that those doors were perfectly built. Nobody noticed that each day the doors opened half an inch or an inch more each time you opened them. They are moving doors.

Apparently when the accident occurred a car jumped on the opposite side, cut the door, swung the door against the guy--that is, the fellow who died--and it pinned him against the opposite train.

If we look at it, when those doors were built, we were under the assumption that they were perfectly built doors. When we looked at it on our inspection, we could not notice it either. But if we had an engineering design and somebody had looked at it previously, that could have been prevented. We could have seen that those doors were opening a little bit more each day. We would say now, "Let's swing that door to the opposite side where there is no train and have it be against the wall so that nothing can be pressed." That is what we are missing.

Mr. Chairman: You have now the joint occupational health and safety committees. At your particular place of work, you have full-time worker inspectors.

Mr. Kanabe: Right.

Mr. Chairman: I still do not understand why you would want another committee layered on this.

Mr. Kanabe: The same people would do it, like joint committees. If there is an accident or a fatality, they are assigned from a safety and health committee. They investigate it anyway.

Mr. Chairman: They do that anyway, right?

Mr. Kanabe: Those people would make a recommendation, as it is outlined in the booklet, and that committee would pass a hazard alert to all the neighbouring mines or mills of whatever had happened.

Mr. Chairman: Why does the joint health and safety committee not do that now?

Mr. Kanabe: It is doing it but on a very low profile. Sometimes it takes days or maybe weeks by the time you get the hazard alert. It even takes months, not just weeks, by the time everybody is informed of it.

Mr. Chairman: Would you like to see it legislated as mandatory?

Mr. Kanabe: I would like to see that.

Mr. Tatham: I just wonder, if you had that extra committee, how would that have prevented that man being killed?

Mr. Kanabe: How would we prevent it?

Mr. Tatham: Supposing it had existed before this accident had taken place, what action would your committee have taken to have stopped that death?

Mr. Kanabe: We would have recommended to management to move the door to the opposite side where a train does not pass. We would know. Everything that is built in a mine should be on a blueprint--it is on a blueprint. If we noticed any movement or any deficiency, we could say, "OK, let's move it to the other side before anything happens."

Mr. Wiseman: I may be wrong, but it seemed to me some of the groups we saw had an engineer once in a while on the health and safety committee who may be able to pick up some of these things you mentioned. Probably it would go back to the people who were using that door, and at the most they should be observing and telling the health and safety committee that something is catching, dragging or whatever the dickens it is, to alert them. I think everybody, rather than just the health and safety committee, should try to pick up irregularities within a mine.

Some of the men have told us they can tell when an earth tremor, or whatever they call it, is happening before some of the equipment they have in the mines actually tell them. That is because they are working there all the time and they feel the tremors or whatever. Some of those things may happen regardless. You would think that one like the door, where no one detected it, is a fluke accident. Even if you had an engineer on the health and safety committee, he may not pick that up.

Mr. Kanabe: You are right in what you are saying. We get the reports from the haulage crew. We get the reports from our committee people on inspection. Also, we discuss them with management. But sometimes it is pretty hard because they will not take any action. They will say: "Look, you are right and we are wrong. But to move that door now to the opposite side, just on your assumption, would cost us \$5,000 or whatever." So they will say, "Well, it seems everything is working."

That is what we need, somebody to make a recommendation. If the health and safety committee recommends an action, we need somebody to take that recommendation seriously. Many times an inquest committee will make recommendations, and some recommendations are not taken seriously. For example, underground we can notice it; we hear it many times. In a mine, we have miners who have been mining for years, and they can tell us: "We have a crack. We are looking at it. We have a little movement opening cracks." Sometimes they can tell you there is a problem with it. Do we need cable bolts or do we need better precautions? By the time action is taken it may be months, even years.

Mr. Wiseman: I just wonder about the accident people who look after that in the mines. They are partly management and partly workers. You are not just reporting to management; there is also one of your fellow workers, whom you appoint for a two-year period or something like that and whom you would be reporting to. He should have the workers' best interest in mind to make sure these things are corrected, or you toss him out the next time, as you do with the Legislature, and put in a new guy.

Mr. Chairman: Excuse me, Mr. Wiseman, Hansard is having trouble picking you up.

Mr. Wiseman: OK. They would be mixed up, would they not, workers and management on this?

Mr. Kanabe: Yes, we do joint inspections. We do joint investigations. But again, as I say, a recommendation from the joint--the safety department for management will assign an inspection to a supervisor, first-line or second-line, or even right up to the manager. We go on inspection jointly. We look at things. But if there is a recommendation, say to repair, he may say: "We have an engineer. He's right. Let's see for a while how that is going to work." It may take six months until we find something seriously wrong. Or maybe he will not take it at all; that is our biggest problem.

Mr. Tatham: I am still having a little difficulty. I appreciate you want to stop accidents, but is there not enough legislation there now? If you make the recommendation, is the problem that they are not following through?

Mr. Kanabe: That is right.

Mr. Tatham: Is that the problem? To have another layer on board, as the chairman has said, does not mean very much. If you folks have said, "This is a problem," then you have to take action, do you not?

Mr. Kanabe: You have seen our brief from the district. What they are saying in the main brief is that we have enough recommendations. If you look at the Ham report, from the Ham report we got lots of recommendations. We got quite a few recommendations from Burkett. How many of these recommendations does management or a joint committee act on? Not too many. Burkett made 60 recommendations. I would bet you we do not use more than 10 per cent, maybe 20. What we are missing, as you say, is action. We have a lot of commissions. Everybody investigates, but where is the action on that investigation? That is what we are missing; you are right.

Mr. Tatham: You are dragging your feet.

Mr. Wildman: Is it not really a question of power, when it comes down to it? You are talking about government power; you are talking about management power; you are talking about workers' power, or lack of it. If you have a joint health and safety committee that does an investigation, even if you have a good working relationship between management and union on the joint committee, you make a recommendation. The fact is that is all it is: a recommendation.

Mr. Kanabe: That is what we say.

Mr. Wildman: The power to implement is management's, and if management chooses not to implement, nothing happens.

Mr. Kanabe: Right. If you look in the act, sections 7 and 8 talks about the powers of the committee and powers of the workers, but we do not actually have power. I have been chairman for nine years. There have been many recommendations and many implementations we have recommended. Occasionally, when I say, "I recommend this," they will say, "Look, we're not going to take that seriously." Where is my power? I have no power. As you mentioned, the power is management's. The Ministry of Labour should have power; we recommend some corrections to them.

Mr. Wildman: I was going to get to the power of government in a moment, but the steelworkers in Elliot Lake have negotiated worker inspectors as part of their collective agreement, is that right?

Mr. Kanabe: Right.

Mr. Wildman: In that case, how does that affect the power situation? Can the worker inspector shut down an unsafe workplace or a place he suspects is unsafe until either the situation is rectified or it is shown that in fact he was mistaken and it is OK?

Mr. Kanabe: Yes, our inspectors can close the place down, and on occasion, on a temporary basis, we do close it. But then we are convinced, "Look, that's going to take months," or it is a classified incident which he closes maybe as a B or a C, "Well, we're going to open and we're going to work for a while until we decide how we're going to do it." Again, your power is really divided down.

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Mr. Wildman: In other words, if the worker inspector suspects that the workers in a particular site have a serious problem, is unable to get management to act and then takes what I think would be an extreme measure of saying, "All right, we are going to shut this place down," even then you are saying he does not have the power to force management to do what he wants or thinks should be done to rectify the difficulty. He is being pressured by management and, I suspect, also by workers in some cases to back off.

Mr. Kanabe: Right. I can give you one example on haulage. This happened a week ago. Our inspector stopped a haulage group hauling muck in a mine on the 12th level, because they did not have a car with a closing pin.

We had an accident in that area about five years ago. A guy was riding in the last car. The car jumped the track and he fell between the doors of the car, which opened and apparently just cut his leg off. He lost a leg. Since then, we have recommended that a pin should be put in each car, close the car and put in a pin so that those doors cannot be opened when you are travelling.

Apparently, two weeks ago we did not have a car with a pin. Pins fall off a muck machine when it is mucking. They lost the pin. On a whole train, where there are 15 cars, we could not find one car with a pin. So our inspector closed it. He said: "We won't be working tonight. I am going to stop that until you get a pin for the car where the men travel."

It took a debate of two hours. I was called in the night a couple of times and asked, "What are we going to do?" I advised the inspector to close it down until they found one. Finally, after two hours, he phoned me back and said: "We found a car. We are going to use it." He was convinced that it was all right to use a different design of car. So inspectors can be persuaded--"Let us hold it until the next day." We will see how we are going to do it in the future.

Mr. Wildman: Also, I have heard on occasion from labour people that while they support the concept of a worker inspector, they are concerned that management sees the worker inspector more as a way of enforcing work rules and safety regulations on other workers than actually dealing with questions of the design of the workplace or the operation overall. How do you react to that?

Mr. Kanabe: On occasion, yes. Companies in Elliot Lake say, "We have a safety loss control, a five-star program." It is a good program, but they do not do it right, how it should be done. That program actually comes from evaluation from South Africa. We were involved quite a bit in that program. What is the program?

They are using our inspectors to do their inspection and to evaluate or do the audit on that program. That takes our inspector away from the promotion of safety, what he should be doing. They assign an inspector--"Today, you are going to go on that level and you are going to do it"--unless I call the inspector and tell him: "There is a serious problem on that level. You go and investigate and give me a report." That has happened. That takes time.

Mr. Wildman: Can you tell me, in terms of your collective agreement, what is the relationship between the worker inspector and management? Under whose direction is the worker inspector working?

Mr. Kanabe: The worker inspector reports to the management safety department or a safety supervisor. He assigns him on a beat.

Mr. Wildman: So he assigns him what he is doing that shift?

Mr. Kanabe: Right. I have the right, or the president of the local has the right, to call the inspector to investigate the serious problem which occurred on our information, which we get either from the workers or maybe a ministry inspector or somebody who says, "Look, you guys have a problem on that level or in that shop or something." Then I call the inspector to go down and investigate. If it is a serious problem, then he calls me up and the safety committee goes in to investigate.

As you know, our inspectors are not recognized in the act or in the regulations. They are not recognized. They are recognized only between the company and the union.

Still, we have to go investigate. When there is a serious problem, the safety and health committee goes to investigate. What I am saying is that the safety committee should follow up on this booklet I gave you on accident prevention or accident investigation. Then we would have teeth where it really belongs.

Mr. Wildman: What you are saying is that the safety and health committee should not just be able to recommend, but actually be able to follow up and ensure that the recommendations are being followed?

Mr. Kanabe: That is right.

Mr. Wildman: And that at this point that function is carried out solely by management?

Mr. Kanabe: Right.

Mr. Wildman: And if they do not wish to do it, then it does not happen?

Mr. Kanabe: Right, it does not happen.

Mr. Wildman: The only option you then have is to bring in the Ministry of Labour.

Mr. Kanabe: If our company does not do it, we call the ministry or ministry inspectors. They will come and observe or look at a job. You get from those officials what you are going to do. Is the recommendation right, and how are you going to do it?

Mr. Wiseman: When the worker inspector and the representatives of the owners get together, is there a report made out at that time of the unsafe condition or whatever, signed by both the management side and the worker who is represented on that committee? If that is done and then it is not corrected, and you notify Workers' Compensation--I guess I should ask if you have ever followed that route--

Mr. Wildman: It would be the Ministry of Labour.

Mr. Wiseman: --or the Ministry of Labour, do they come in then and use a heavy hand? It has been reported on a couple of occasions, authorized by both representatives on that, to follow along. That, to me, would be another leverage, rather than just a verbal report, a written report that would go to the Minister of Labour, if you made it and management did not act upon it.

Mr. Kanabe: Yes. The reports are written and signed by whoever investigated it, by our inspector and the ministry. But it is just what you are saying. We call the Ministry of Labour, but they do not have the teeth to bite or they will not do anything. They say, "We think it is a problem, but let the company look at it for a few days or 14 days, and then we are going to see what is done." We have a report and they should be doing it, but you can end up 14 days later and it is not done.

Mr. Wiseman: After getting that and nothing has been done, do the Ministry of Labour inspectors not come out and check it out, if it happened to be a serious complaint? There must be a lot of what I call bread-and-butter ones, but there must be some which are more serious too. I just wondered. You mentioned that you did not have any clout. I felt you did have a clout if you--

Mr. Wildman: Basically, what they are saying is that the ministry inspector more often is willing to negotiate than issue an order.

Mr. Kanabe: That is right. They issue an order on an order, double orders, three or four orders. If they issue an order that it should be done in 14 days or seven days, seven days later he comes, looks at it, and, "Well, give them another seven days."

Mr. Wildman: So you get a repeat order.

Mr. Kanabe: Right, a repeat order. We have lots of those.

Mr. Wildman: They do not lay charges that often, do they?

Mr. Kanabe: We never heard of charges.

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Mr. Wildman: I would also like to ask you about another matter, related directly to fatalities and what I know the steelworkers have been doing with regard to the inquest, since all underground or mining related fatalities must have inquests. Do you automatically get standing at an inquest?

Mr. Kanabe: Yes, we get an inquest committee and we get our people right away. Actually, we report to the doctor who presides over the inquest--

Mr. Wildman: The coroner.

Mr. Kanabe: --that we want somebody to seek an inquest.

Mr. Wildman: You do not have any trouble getting standing.

Mr. Kanabe: No.

Mr. Wildman: So you can ask questions; you can cross-examine?

Mr. Kanabe: Yes.

Mr. Wildman: Do you monitor the response of management and the Ministry of Labour to inquest juries' recommendations? In other words, if the coroner's jury makes a recommendation to try to avoid a similar fatality in future--they want some change made--would you have any way, as the union, of knowing whether or not the Ministry of Labour and management accept the proposal or the recommendation of the coroner's jury?

Mr. Kanabe: No. We do not know. We know what the jury recommended and we ask questions. Reports come from the coroner as to what is recommended. How those recommendations are implemented, we do not know or if they are implemented.

Mr. Wildman: Let us say it is a good recommendation, and you and management and the ministry think it is a good recommendation and it is implemented in your workplace. Is there any requirement that a similar measure be taken in similar workplaces? Let us say you get a fatality. I hope it does not happen, but you get a fatality at Rio Algom, and there is an inquest, and the jury makes a recommendation for a change in the way things are done in that particular job, and it is implemented at Rio Algom. Is there any requirement that a similar job be changed in a similar way at Denison, Inco or Falconbridge?

Mr. Kanabe: That is exactly what I am saying. What we need is an accident prevention or safety committee to do the actual implementation. That is exactly what we need. It is recommended by Burkett and by Ham what we should do and how that should be done. We had a fatality in Denison, I think in 1980-81. Three men were killed. Our recommendation was that longer bolts be put in, cable bolts, and that the slips in the rock be locked. We had just last year in a tunnel a similar accident and on the same line. That line is at fault. Actually, what is at fault is it is a two-rock structure connection and it is a multislides in the same line. Maybe it is a couple of thousand feet along from it. We recommended that there be longer bolts and cable bolts, and it has not been done. Actually, in their recommendation and in their interest Denison was recommended. They did not do it; nobody did it.

Mr. Wildman: Am I correct in understanding that the ministry has up until a year after identifying a problem to decide whether or not to lay charges?

Mr. Kanabe: Yes. You are right. It was the last day the Ministry of Labour laid charges. We were hoping it would, but on the last day it laid charges and then we had to get everything in place, to get the lawyers and then to see what charges were going to go through.

Mr. Wildman: After a fatality occurs and an inquest is held, you have no way of knowing whether the ministry is going to decide that charges should be laid. It could be a year later before you actually find out.

Mr. Kanabe: No, we do not know. They will not even tell us. It is just like a secret elephant. We ask them, "Are you going to lay charges? Can

you give us a final report from your ministry inspectors?" They said, "No, that is confidential. Only the coroner or the supervisors can see that."

Mr. Wildman: I have only one other question at this time. In regard to all of the studies, district 6 made it very clear what it thinks of having another investigation by this committee. They pointed out that Ham and Burkett and Stevenson had all carried out studies and made many recommendations, and most of them had not been implemented and that what we need now is implementation, not another investigation.

What happens to recommendations? Burkett made certain recommendations. What happens to them? Are they referred to the tripartite committee, that is, to the mining committee?

Mr. Kanabe: I have some reports that they are discussing it at the tripartite committee.

Mr. Wildman: That committee has people from the Ministry of Labour, the unions and management from the mining industry.

Mr. Kanabe: The mining industry, right. I have some reports that they are discussing it, but again, there is a prolonged time on their discussion even there, so we end up in some serious problems. What I always see on the reports from that tripartite committee, the Mining Legislative Review Committee, is that there always is a great cost involved.

Mr. Wildman: OK. You are not saying that you are opposed to the operation of the Mining Legislative Review Committee.

Mr. Kanabe: No, I do not say that.

Mr. Wildman: They take too long.

Mr. Kanabe: They take too long.

Mr. Wildman: Frankly, from my point of view as someone outside the industry but involved in the Legislature, it seems to me that when something is referred to the Mining Legislative Review Committee, it disappears, as far as I know. It takes a hell of a long time for it to come back, if ever.

Mr. Kanabe: You are right. I receive the minutes of that committee, and you can see it. Sometimes I have to go maybe a year or two years back to find the same item being discussed, and it still is not implemented.

Mrs. Marland: To focus on the question from Mr. Wildman about being notified up until the last day that the ministry is going to lay charges, that obviously leaves you at a tremendous disadvantage in terms of preparation time for your lawyers and the whole process from there, not knowing what time or what date the hearing might be set for.

Mr. Kanabe: If we do not know, we assume there will not be charges laid. We must know it, because we do not prepare ourselves. We ask the ministry, "Are charges going to be laid? Against whom? For what?" They will not tell us, so we do not know. We do not prepare ourselves.

Mrs. Marland: But also, would it be true to say that the biggest problem about that time lag and the thing that would make quite a farce of an inquiry so much later is everybody's memory?

Mr. Kanabe: That is right.

Mrs. Marland: That must be terribly critical.

Mr. Kanabe: You are right, because to get the people to remember a measurement or what happened or to get those people involved, the memory disappears. You just look at an accident on a road and give the policeman a report, and by the time you go to court everything will be changed.

Mrs. Marland: That is right.

Mr. Kanabe: So what are you thinking a year later?

Mrs. Marland: Do you have legal counsel on retainer so that they are available all the time?

Mr. Kanabe: Yes, we have a legal counsel. Brian Shell, I think his name is.

Mrs. Marland: I will go on the list in my turn.

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Mr. McGuigan: I do not know that I have much of a question, but over the weekend I read an article, I think it was in Life magazine, talking about the Challenger, the shuttle that blew up. They identified an engineer who clearly identified that problem on the Challenger. They have since found, in numerous tests, that when it was below a certain temperature, every single one failed; every single one without exception.

Then they mentioned the airplane that went down over France three or four years ago, where the cargo door blew off, letting the air pressure out of the bottom of the plane. The floor dropped and that upset all the controls, the cables and so on, the plane crashed and about 350 people were killed. An engineer had clearly identified that cargo door. It was identified.

Mrs. Marland: As being a weakness, prior to the accident?

Mr. McGuigan: Yes. There comes a point: where does the engineer prevail and where does management prevail? That is really what you are talking about.

Mr. Kanabe: That is right.

Mr. Chairman: You are really at the heart of the internal responsibility system here.

Mr. McGuigan: Having an engineer on the health and safety committee would add that little bit more authority we need.

Mr. Wildman: The question still would arise, though: If the engineer or the committee makes a recommendation, what assurance do you have that it will be implemented?

Mr. McGuigan: I guess you never do, but by having an engineer on that does put that much more onus on management. The question was raised yesterday: Is this a labour relations thing or a health and safety thing? I am just wondering if that would not be a step towards what we are aiming for.

Mr. Kanabe: It would be. What our committee is missing is education. We have to have somebody who can foresee what is ahead. I mentioned doors before. We looked at doors, the whole committee looked at it, our inspectors looked at it, management looked at it, and we were all under the assumption that the doors were practically built. But it is a problem. Now, when you look at it further and you take, say, the track underground where the trains go, if you measure, they are supposed to be 30 inches wide, but you are going to find that in some places it is 32 inches, because you have that much play. Or if it is supposed to be 29, it is 32, a three-inch play.

Mr. McGuigan: Is this the result of wear? It might have been correct in the first place, but gradually over time, wear got in there and it got sloppy.

Mr. Kanabe: Actually, it gets sloppy where the ties are put. They are in the moisture, in the wet, and the pins move out and then the track moves also. When you have a track buried in the water or something, then each time a train passes, it moves.

Another thing is the building of the track. We have track men who are supposed to be professional. We had a recommendation from a consultant that the surveyor should put the track in a line. We do not do that. In a mine, if there is a little bend, you bend the track from the wall, so the track has to bend when it can move between the walls. That is how you build a track.

We should build a track just like the Canadian Pacific Railway or the Canadian National Railway. You put the line, height and level, and the train goes smoothly. You will have a ride underground and see how smooth it is.

Mr. McGuigan: We had a ride. It was not up north but we had a ride on a train in the south. It was some ride, I can tell you.

Mr. Kanabe: If you have to ride for eight hours, you will see the difference.

Mr. Tatham: Do you have any stats on the number of times that a work inspector checks on something, the times that you inspect a problem, and stats on whether management agrees or disagrees? The other stat I would like to know is what percentage of those are not acted upon? Another stat, beyond that, would be, if they are not acted upon, have you had accidents resulting? In other words, when you identify the problem, has management come with you and then has it said, "Yes, there is a problem there," but it does nothing? Then are there accidents resulting from that? Do you have any stats to back up any of these comments?

Mr. Kanabe: When we are on a ground control order or when we go and work in the stopes, we make a recommendation when we jointly see, on inspection, that there is a problem. The ground is cracking or we have a movement. We recommend sometimes that there should be action taken forthwith, maybe even closing the place to let it work out. Sometimes management says: "Do not worry. There is no problem there." Then an accident occurs; loose comes down or a stope caves in. But we would have to go through our records to see how many there are. I did not produce the statistics.

Mr. Tatham: I just wondered because I am sure there are times. I have never worked in a mine, but I have worked around quarries and things of that nature too. I know there are certain things that take place that are niggardly things that bother you, but they are not really bad. Any accident is

bad, but I mean a death and a cut finger are certainly different situations. I just wondered if anything like that had been identified. I think that would be the kind of information people should have.

Mr. Kanabe: We have identification of some. Like I say, I could not pinpoint that, you know, as to seriousness. We have some serious things which occur in areas where we have made recommendation, but how many I could not tell you exactly.

Mr. Tatham: There may be areas where you say, "We want action right now," and I suppose if it is bad enough, you would say "Folks, we are going to close the mine down."

Mr. Kanabe: That is right.

Mr. Tatham: In others you may say, "We will not bother with that."

Mr. Kanabe: Usually we do not close the whole mine, but, you know, you can close a section of it until correction has been done, but there is no action sometimes on it.

Mrs. Marland: I wonder if we could get back to some of the natural sense of the miners underground, where you talk about their ability to interpret sounds. I am sure that, over a number of years, that becomes quite an accurate ability of reading. I am wondering about a rockburst. First of all, before the fact, do the miners ever say they hear something coming? Do we have an incident where a crew has indetified that the sound is there or the conditions are changing and they can read it by the sound; then there is a rockburst and then, after the fact, they say, "We did talk about that"?

Mr. Kanabe: Yes. Just in the last fatality, a miner two days before recognized the condition and talked about hearing noises and cracking.

Mrs. Marland: To his supervisor?

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Mr. Kanabe: Yes, he talked to his supervisor. He talked to the crew and the crew was discussing it. The supervisor went in and looked and said, "I do not see any problem." Two days later he sent in a guy to remove the bolting and the whole stope caved in. We can hear the sound and we can recognize it. Experience tells you.

Mrs. Marland: Two days later they sent somebody in to remove the bolt, did you say?

Mr. Kanabe: In the stope. We call an empty area a stope.

Mrs. Marland: Yes, I know that.

Interjection: He meant the bolting machine.

Mr. Kanabe: That is the bolting machine.

Mrs. Marland: Oh, bolting machine, I am sorry.

Mr. Kanabe: He was supposed to take that machine out. He just walked in and pulled back a bit and it came down.

Mr. Wildman: May I ask a supplementary?

Mrs. Marland: Yes, you may. Just let me finish.

In the situation of that crew having had the meeting two days before to discuss it, and the supervisor was there, would there be any notes taken by the supervisor that that was the purpose of that meeting, that in fact the crew had sat there and discussed that there were changes taking place?

Mr. Kanabe: There was no meeting. Apparently, the guy who was bolting discussed it during lunch. He said: "Look, we got a problem in that stope. I see cracks opening and I am hearing noises." He discussed it with his supervisor. The next day, the supervisor went in and looked at it. They both inspected it and he said, "I do not see any problem." That was discussed. The guys discussed it during their lunch and said, "Look, something is wrong in that stope." If you are a miner and something is wrong, you have a gut feeling that something is going to happen.

Mrs. Marland: I am sure.

Mr. Kanabe: Usually, you do not feel good. Sometimes you do not feel like working that day. You do not feel good and you say, "I am not going to work today," or something.

Mrs. Marland: It is like so many jobs. It is hard to describe that sixth sense, because it is sort of an intangible thing. It is probably the natural instinct to survive in any job. You hear the same thing about people who work under the water, even people in submarines. There is a sense of what is normal when you have a special environment, which underground is. There are a whole lot of sounds and functions that I am sure are completely registered as being normal.

I guess it is going to be worth while pursuing the question, when that kind of report is made by the guy or the crew that is in that stope to the supervisor, that they hear something is changing, that those kinds of reports are, first of all, documented and certainly followed up on.

Mr. Wildman: I have a short supplementary. Are you familiar with the infamous rockburst of June 20, 1984?

Mr. Kanabe: Yes.

Mr. Wildman: Is it not correct that the Stevenson report said that signs of excessive ground pressure had been noted prior to that rockburst taking place and yet people were still working?

Mr. Chairman: In Sudbury.

Mr. Kanabe: If you look at it, there is a Huronian fault that goes from Wawa to North Bay and right past Elliot Lake. If you have any movement in a fault itself, it is going to happen wherever there is an excavated area in that capacity. If you look at it, an ore fault goes right through Falconbridge, Elliot Lake, down right through to North Bay.

Mr. Wildman: The experts on rockbursts who have appeared before us basically say they can tell that something is going to happen; the question is when.

Mr. Kanabe: When and where. You cannot pinpoint where.

Mr. Wildman: In that particular case, according to Stevenson, signs of excessive ground pressure had been identified prior to the event.

Mr. Kanabe: Right.

Mrs. Marland: I have another question, but I do not yet have the material we sent down by the courier from Elliot Lake. I know I took a lot of notes during those hearings and it is in that material, so I am trying to go from memory.

Towards the end of that hearing that afternoon, I think perhaps it was you who brought up the fact that you would like to see a local clinic established in Elliot Lake for silicosis or any of the other conditions of miners and for earlier detection than you now have. I wonder if you would like to elaborate on that for us. What exists today, what it is you would like and why do you need it?

Mr. Salmon: I am Keith Salmon, compensation officer, Local 5417. To recap on that, what I did say was that we are having guys coming in with the latency period up and they have cancer. It is bones or body parts or whatever.

I did mention that what we should have would be an early detection clinic. A lady who is not here right now asked me, "Why would we need one?" because we have a facility. Fine, we have a regular hospital with regular doctors. They do a very good job in their own particular fields, but the problem we are finding is that a guy who is detected today is not getting a darned thing done for three to six to nine months kind of thing. He has to travel to Toronto; a lot of travelling and a lot of stress.

It is the old, old thing, and getting back to the same idea of the way the Ministry of Labour reports, if the guy is not looked after right away, you build up a problem within the family and within the nervous system; it just drags on for ever. Then to find out at the end of the day that you do not have such a serious problem is like 10 tons off your shoulders.

As I say, what I would like to have done is to get an early detection clinic in and get the correct people for the facility for the problems that we are having, people who are knowledgeable about cancers, about silicosis, the environment and the conditions that we work in. The average general practitioner can only go so far and then he has to refer you to Sudbury and then you have a waiting time, or you go to Toronto and you have a waiting time.

In my particular area, which is Workers' Compensation Board claims, if the WCB is not paying your claim, not accepting it, then you have to pay yourself quite often and you have a financial burden as well as the stress and strain and all the nonsense that goes with it.

We are a mining community, Sudbury is a mining community, we have Wawa up the road and other mining-type communities in the iron ore industry. I am sure a facility in the Elliot Lake area would be more beneficial to those people from the north coming down--we still call it the north, but they are coming from the far north to our area--as opposed to going to all the way to flipping Toronto, a three-day journey, to find out what is wrong with them.

Mrs. Marland: How many workers overall, approximately, would there be in Elliot Lake and Wawa together, if they were to have a clinic there?

Mr. Salmon: In Elliot Lake we have something like 4,000 people who are working in the mining industry.

Mrs. Marland: I am talking about who would be subjected to this kind of risk, as you say; the underground workers.

Mr. Salmon: A point I would like to make is that you do not necessarily have to be an underground worker to be in the environment. You have the persons in the rock crushers up above on surface, you have the mill workers, the concentrator people, the drying and packing plant, which is basically your raw yellow cake refined--it is right there, you can get a hold of it if you wish--and those people are also at risk.

Mrs. Marland: I understand.

Mr. Salmon: Of course, the females tend to be a little more at risk because of their delicate nature.

Mrs. Marland: So there are 4,000 in Elliot Lake, and how many--

Mr. Salmon: I do not know about Wawa, but I believe they have wound down an awful lot with the steel plant coming up and down in such--

Mr. Wildman: Something like 350.

Mrs. Marland: By comparison, do you know how many are in Sudbury?

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Mr. Salmon: No, I do not.

Mr. Carriere: Do you mean miners?

Mrs. Marland: Actually, we are looking for people who are susceptible to this kind of health problem. How many would there be in Sudbury?

Mr. Wildman: Forty thousand? At Inco now, there are 6,500 people working and 20 years ago there were 19,000. How many do you have? You have more people on early retirement and in retirement now than you have actually working. Those people will still be subject to the latency period. So you are talking about something in the neighbourhood of 20,000 to 30,000.

Mr. Salmon: There is a vast number of people. For instance, I do not know whether persons like yourselves understand that a lot of miners, when they are injured or are not able to mine any more and make the big dollars, if you want to call it that, have to come to surface quite often. If they are silicotic, they come to surface. They are still in the environment; they are still in the muck, the dirt and the dust. The concentrations are certainly different and the fresh air is certainly there, but it is like any other disease of that kind: once you have it, there are very few in number who can actually be cured. It just stabilizes in some cases and in some cases it gets worse.

Mrs. Marland: I am trying to develop the argument for the early detection clinic in Elliot Lake versus the one that is in Sudbury. I can understand the travel time and cost to Toronto, but you are saying that there is a waiting list in Toronto and a waiting list in Sudbury.

Mr. Salmon: There is definitely a waiting time in both places, because those particular units, we will say, do not only do for the mining industry; they also do for the engineering industry and for the general public. If you pick something up, you will go to those places for detection. So the workload is quite high in the system.

Mrs. Marland: If a worker has to travel to either Toronto or Sudbury, is that travel paid for by the company?

Mr. Salmon: Not by the company. No, it is not.

Mrs. Marland: Who pays for it?

Mr. Salmon: If they are in receipt of Workers' Compensation Board payments and the WCB agrees to their going to these facilities or specialists, then it will pay the cost of travel, hotel for the day, if necessary, meals, etc. But if it is not, then they are quite often left to their own devices. They use the northern health travel grant program to get down and they have to wait for a while to get their money back. In a lot of cases, that happens.

Mrs. Marland: If they are in the process of being diagnosed and they are not yet compensable, then they are on their own bank account to do it.

Mr. Salmon: Pretty well, yes.

Mrs. Marland: If, say, we were to advocate that a clinic be set up in Elliot Lake, what would the people who are opposed to that say? What kind of argument would they be generating to say that it is not needed. We do not have 20 or 30 people a week coming in that we need that kind of clinic there?

Mr. Salmon: Twenty or 30 people may seem a lot to you, but it is not necessarily a lot.

Mrs. Marland: No. I am only throwing figures out.

Mr. Salmon: I cannot imagine anybody who would have an adverse reaction to having something which gives you a facility, a building with the correct equipment, the proper specialists who are dedicated to that kind of work. I do not think anybody I know would complain about that. They would be all for it.

Mr. Chairman: The WCB would complain because presumably it would be a cost for them.

Mr. Salmon: But it does not matter whether it is a cost to the mining industry as a whole, to the WCB or to the government; we have to do something for the people who are out there.

Mr. Chairman: I am not arguing about that. But Mrs. Marland said, "How could anybody possibly disagree?"

Mr. Salmon: They cannot. You will get the occasional people who will grumble and complain because it is taxpayers' money and all the rest of it.

Mrs. Marland: I am trying to help you. I am trying to develop the case. If that were a recommendation of this committee, the only way it would get further than another recommendation is to have the counter-arguments in place.

Mr. Salmon: Oh, yes.

Mrs. Marland: I am saying if there were a facility provided, and it was staffed by a specialist, which it needs to be because otherwise you can go to a general practitioner, as you have already explained, then you have to have a number to make it worth while. You cannot have a specialist sitting in a clinic all week and have one or two people dropping in. What I am saying to you is what kind of numbers would be going into a clinic like that if there was one established? Have you any idea on that?

Mr. Salmon: In actual figures? No, I do not think you can actually put a figure on it. It is like myself in the past couple of weeks. I have had four people in just under a month with lung cancer. I have had two people in with another form of cancer, so I have averaged six this month alone, and I am only one. There is my office and there is Denison's office. You have the office of the worker adviser people and you have the doctors themselves doing their thing. You cannot really put a number on it, because a lot of the problem is the guy does not know he has darned well got it until he is under the knife. It starts off this big, and by the time they get around to it, it is this big.

Mrs. Marland: Let us just develop that. Did you say the four or six people whom you have had in the last month are already diagnosed?

Mr. Salmon: They are diagnosed, but they have not necessarily been accepted by the Workers' Compensation Board.

Mrs. Marland: Let us leave that apart at the moment. Where were their positive diagnoses done?

Mr. Salmon: Toronto.

Mrs. Marland: How long had those four or six whom you referred to waited to have those diagnoses done?

Mr. Salmon: On average, six months.

Mrs. Marland: They really had waited six months.

Mr. Salmon: They waited, yes. They go to the general practitioner, and I do not know about other communities, but it seems as though they are a long time paying little visits to the GP after it has been found. They take a new pill or try a new drink. They try to use the medication system to stabilize or indeed to rid of it.

Mrs. Marland: Excuse me for interrupting you. When you say "a new drink," is that some kind of chemical treatment or chemotherapy for cancer?

Mr. Salmon: No. I just mean some form of medicine, anything that the doctor feels would be useful to that person. It is nothing experimental.

Mrs. Marland: At that point, the doctor does not know the person has cancer.

Mr. Salmon: I do not know whether he would know or not. I am not a medical man. I imagine he would have a darned good idea, knowing the strata in the area and the problems of the past. The point is, the patient is going to see him. I have had it where he has gone two, three or four times over a

two-month period, and then they have decided to ship him down to Toronto. So he has had to wait. He goes down to Toronto. The report comes back to his doctor. Then his doctor gets him. There are another couple of months that have gone by. It is one hell of a strain on a person not knowing if he is going to be around for Christmas, New Year or whatever.

Mrs. Marland: That is a very long time if there is some possibility that the level of disease is treatable. That is not forgivable.

Mr. Salmon: My worry is that if a guy goes in, and we will say it is at a treatable level at that point, by the time he gets to see the persons necessary and gets the treatment necessary, it has escalated to a point where he now has a health problem that is at a dangerous level, operational or whatever. That is where my worry starts, because it is far too long between the GP's seeing you and your seeing a specialist. Then if indeed you go under the knife, so to speak, the period of time is so long. It would be beneficial for all to get it cut down by quite a bit--by half.

Mrs. Marland: It seems to me that even with a diagnostic facility there, they are still going to have to get to a central facility for the treatment, because it is the treatment that needs to get started right away once it is diagnosed.

Mr. Salmon: Very true. It would be very nice if we had a whole new clinic with all the facilities, but finances are such as they are.

Mrs. Marland: Right. I will bet that you would rather see the money spent on increasing the facility at a central location, to reduce the waiting list for treatment in Toronto, for example. You would rather see the money spent there than the tremendous amount of money that it would take to establish a local facility. Let us face it. You know the radiology equipment and the treatment that is at a place like the Princess Margaret Hospital.

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Mr. Salmon: The thing is that once you establish another facility that can both detect and treat, you have automatically cut down the Toronto list.

Mr. Chairman: Just for the information of the members, there is a major cancer treatment centre being developed and built in Sudbury. They have kicked off the campaign.

Mrs. Marland: Oh, is there?

Mr. Salmon: I heard it was on the go, but I never heard they actually turned soil on it yet.

Mr. Chairman: You are right.

Mr. Carriere: To follow up the discussion of the Elliot Lake proposal and the clinic, I think maybe there is a bit of a misunderstanding that maybe it does not go far enough. The proposal on the clinic is really to have an occupational health and safety clinic, with people qualified to detect occupational health and safety problems. That does not just apply to the six or seven who are bound to have cancer. It applies to all workers in a community.

The problem in Elliot Lake is that our miners, who are the majority of the people in Elliot Lake, because it is a mining community of uranium, are exposed to known carcinogens, radiation and radon and radon daughters and all of that. That really creates a problem. As a result of that, all of the workers also have the same problem. That is why we said we make this recommendation. The labour movement and the federation of labour are asking, and I think the government is now funding someone, at least a task force to look into this kind of project, because what we do not have in this province is sufficient occupational health and safety clinics and doctors who are qualified or at least trained in occupational health problems.

Our workers are always subject, whenever we have to go for some testing or what we want--it is always a company designated doctor. We have found that to be the case, where our workers then do not want to go. What we are looking for is a clinic. I think there are sufficient workers and sufficient claims and risk. There are a lot of people out there in Elliot Lake--we know that and we know the figures--who have probably started cancer already and have not been diagnosed because they do not have anybody to go to.

The clinic is where workers can go whenever they want and be tested, depending on exposure. That is not just the uranium miners; the hospital workers are exposed to a number of carcinogens. Where do they go? Who do they have in Elliot Lake? The city workers are probably exposed. I do not know what kind of pick-up they have, or which city workers, but I know one thing in Elliot Lake that is proven. For years in Elliot Lake, they used to take the tailings that were loaded with radiation and use the tailings for landfill all around Elliot Lake. Probably you heard that a lot of the homes have to be vented because of that. The whole community is exposed to carcinogens at a much higher level than everybody else. That means every other worker has to be exposed to that.

The whole need of it, when we talk about the clinic, is to have a clinic for all workers including the miners. They do not have it there and neither do we have it in almost any of our northern communities. We have a problem with it.

Mrs. Marland: Well, Mr. Carriere, let me be--sorry.

Mr. Chairman: Is the model you are referring to the one, for example, that is in Hamilton, that kind of model?

Mr. Carriere: There is one, the only one I know. Sault Ste. Marie has the Sault Clinic which was started by the steelworkers, which is extremely good.

Mr. Wildman: I am sorry to quibble, but that is not an occupational--

Mr. Carriere: It is a medical clinic. But the structure is one we are trying to find. The one in Hamilton is kind of private and we are looking for a labour kind of clinic.

Mr. Chairman: How can it be a private--

Mr. Carriere: It is not funded by the government, the Hamilton one.

Mr. Chairman: I thought it was.

Mrs. Marland: Mr. Carriere, when it was raised in Elliot Lake, I was immediately supportive. All I am trying to do is recognize the need and get

the argument for it. Otherwise, I would not have brought it up. I brought it this morning because I wanted to pursue it.

Mr. Chairman: We are glad you did.

Mrs. Marland: I do not want Mr. Carriere to think I am trying to find the reasons not to have it. Otherwise, I would not have mentioned it. I am trying to help, in other words.

Mr. Carriere: Thank you. We have that noted.

Mr. Leone: On the same subject, although I also had questions for the previous speaker, on this question of detection and treatment, I see the case as, what is a short action? In other words, for somebody who gets sick, you mention the fact that some workers go to the local doctors because they are sick, and it takes four, five or six months to discover that there is cancer.

Naturally, those cases happen all over. In your particular area, the doctors should be a little bit more cognizant of the fact that you live in an environment where carcinogens are present, and so the first thing they should do is to arrange for a checkup for cancer.

What I want to know from you, and I also spoke last time up there, in my mind there should be something in the mine or in the area, some mechanism by which workers are checked every year or every two years. The doctors can have a schedule that can follow up the health of that person, because after 15 years he has cancer while it could have been discovered a few years earlier. That is one of detection.

For this now, the clinic could also arrange that specialists come from Toronto monthly or something like that to check workers or anybody who wants to do it. Do you have a mechanism like that right now? Can people go to the mine's medical office and get checked? Do you have nothing of this nature?

Mr. Salmon: We have the Minister of Labour miners' clinic. They go there every two years for their X-rays and spiograph, blowing into a little tube there.

If that is down, if there is a problem there, that X-ray goes to Sudbury, and it is read in Sudbury and comes back to your general practitioner. He calls you and says: "Can you come in and see me? There is a problem."

From that point on, it is either medication or a specialist. What we are finding is that far too many doctors are prepared to give medication. For the area we live in, the fact is that we have radon daughters in all the homes. It does not only start with miners, it is shop people, the storekeepers, newborn babies and unborn babies. They are all subject to it. It is all part of their natural environment.

Those people, literally, are not being serviced. They need a faster response. If I am sick today, I want to be seeing a doctor tomorrow, and not the GP, but a specialist.

Mr. Leone: In other words, instead of waiting the six months, right away.

Mr. Salmon: I do not think you should wait the six months.

Mr. Leone: This is a medical problem.

Mr. Salmon: It is a medical problem.

Mr. Leone: There are things that could inform that. At the same time, you are satisfied with the program which exists now at the level--

Mr. Salmon: No, I am not. I would like to see the program that every gentleman or lady who has worked in the mining industry for 10 years or even less--five years would be good--would automatically have X-rays ever year instead of every two years.

Mr. Leone: OK.

Mr. Salmon: Bring that thing closer to coincide with the exposure, so that they are right on top of each other all the time, because it may not show today, but by the time you go for your next X-ray, you have a spot on your lung as big as that. You are already there. You already have a major problem within your own mind, and then the follow-up does not stop. It is not a flower; it does not just grow and disappear. The bloody thing keeps growing and growing and growing. Then the next thing you know, you have half a lung missing, a full lung missing. There was a case the other day. A gentleman had one lung out and the other one was infected too. There is no hope that way.

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Mr. Leone: Now, in this clinic, do they also have blood tests?

Mr. Salmon: Oh, yes.

Mr. Leone: It is a complete checkup?

Mr. Salmon: But not in the miners' clinics. The regular doctors--

Mr. Leone: The doctors can do that.

Mr. Salmon: But now all the miners' clinic does is X-ray you, and there is the blowing in the spiograph.

Mr. Leone: And the sputum.

Mr. Salmon: Sputum is entirely different; it is voluntary.

Mr. Leone: It is voluntary.

Mr. Salmon: It is voluntary through the Canadian Institute for Radiation Safety program.

Mr. Leone: Should we make that compulsory, let us say for--

Mr. Salmon: There are a lot of people who cannot do it. Their system does not allow them to put this liquid into the bottle. They are just not physically able to bring up the phlegm at that time of the morning or whatever. It is going to be difficult to legislate that. I myself cannot do it. You go crazy.

Mr. Leone: But right now this unit for detection should be, let us say, maybe a yearly checkup?

Mr. Salmon: Yes.

Mr. Leone: And records, you say, go to the doctor, and the family doctor then--who keeps the record of this?

Mr. Salmon: The Sudbury folks.

Mr. Leone: But the Ministry of Health or what?

Mr. Salmon: The ministry, yes.

Mr. Leone: The Ministry of Labour?

Mr. Salmon: The Ministry of Labour.

Mr. Leone: They keep the records.

Mr. Salmon: Yes.

Mr. Leone: And what about the family doctor?

Mr. Salmon: The only time the family doctor will get the record is if you ask at the time for him to get your X-rays or if there is indeed a problem on the X-rays. If something is detected, then he will automatically get it. But you are talking mailing services--

Mr. Leone: It is important that you, the worker, also should have at that time, or we could make a regulation where these records have to be transmitted to the doctor, because the family doctor--

Mr. Salmon: I think it should be automatic.

Mr. Leone: Automatic.

Mr. Salmon: What is the expense to a guy standing there taking an X-ray and then having a second one, or even the doctor himself being given that copy before it goes to Sudbury or wherever it goes?

Mr. Leone: OK. The other thing I heard from you is that when a worker wants to be checked by a doctor, he can go only to company-designated doctors. What do you mean by that?

Mr. Salmon: Norm would be the best to expand on that one.

Mr. Leone: I mean, under the Ontario health insurance plan, you are covered either to go to your own doctor or to any specialist to whom your doctor will send you.

Mr. Salmon: No, you are not, and that is where the problem lies. If you could go to any doctor you felt would treat you properly and you felt you were getting-- You see, another thing is that if you go to a company doctor, he is automatically on the company's side. Whether he is or he is not, that is how people think.

Mr. Leone: Explain to me. Let us say when you feel sick and let us say you have a problem, a cough, you have to go to your company doctor or you can go to your own?

Mr. Salmon: No, you go to your own doctor, and he will dictate which specialist you go to.

Mr. Leone: OK.

Mr. Salmon: You do not really have a choice of whom you want to go to.

Mr. Leone: Oh, I know. The doctor sends you to a specialist. But that specialist is the company-designated specialist?

Mr. Carriere: I think the point that has to be made here is that you are talking about whether a guy has a cough or not and he goes to his doctor, as opposed to what we want, which is that when an employee wants to be looked at when he is concerned about an occupational health problem, in Elliot Lake I will bet that, except for the company doctor they may have, I doubt that there is any doctor in Elliot Lake who has any qualification or any training in the field of occupational health and safety. I would doubt that very much.

You cannot blame the doctor. You know, we have in all of the regulations that you can have medical surveillance and go and see the doctor. There are requirements of what the doctor must do once that happens. He has to keep records for 30 years or whatever. When you go to your family physician about a problem, you go to your doctor and you say, "Look, I have some nausea, I am dizzy; I work underground and I am exposed to radiation and radon and all of that," the doctor is probably going to say, "Take a few Aspirins and go home and sleep," because he is not an expert and does not know. He cannot really look.

We say that is the beginning. You need a checkup, you need everything. You have to check blood and urine to see what is in them. What is in the blood? Is this guy exposed to lead or arsenic? There is arsenic in those places; there are all kinds of things. They do not have that, and that is why we are talking about these clinics.

The other area is the X-rays. The X-rays are simply a compensation thing every two years. It used to be one year; they put it to two years. Again, that is only to try to detect, and even if you got your family doctor to see it, if the family doctor is not an occupational health specialist--we have all kinds of (inaudible). I do not know whether you are going to Timmins. If you are, I hope you talk to the widows in Timmins. They will tell you. Their husbands, who had X-rays and were deemed to be OK, three months later died of lung cancer. Nobody told them.

Those X-rays are not the thing we want in occupational health and safety problems. I do not know. In this province, and I have not got the figures, my understanding is that there are very few specialists and there is very little training, even in our colleges, for physicians about occupational health and safety. That is the problem. So whom do you go to see in Elliot Lake if you really want, if you are feeling a way you think might be a result of exposure? Whom do they go to see? You can ask them. I do not think there is anybody in Elliot Lake.

Mr. Salmon: Very, very few.

Mr. Leone: What about Sudbury? They should have--

Mr. Carriere: No, Sudbury does not have--

Mr. Leone: They must have lung specialists, heart specialists, all these kinds of specialists.

Mr. Salmon: They have lung specialists; of course they do. They have heart specialists, too. We do not have that.

Mr. Leone: That is in Sudbury.

Mr. Salmon: In Sudbury they do have that. Oh yes, they have the doctors, but the problem is the time it takes your doctor to decide to get off his can and say: "OK. You've gone as far as I can go with you. Let's get you some help." That is the problem.

Mr. Wildman: Mr. Chairman, we are moving into an entire area, the very serious shortage of occupationally trained people in the province, not just in northern Ontario. In northern Ontario we have a very serious shortage, even in larger centres, of physicians, therapists and particularly specialists. It is a serious problem across the north and has been for a long time, so while in Sudbury they have specialists, there also is a long waiting list for those physicians.

Mr. Salmon: Right now, Elliot Lake is in the position where it may be bringing in a low-level waste disposal unit. It is just a talking point. That is going to create more jobs and more problems.

Mrs. Marland: More risks, you mean: more jobs and more risks.

Mr. Salmon: Yes. There will not be that many more jobs, but you are going to have people coming into the town. They are going to have retirement homes there, too, I believe, so you are going to get the older people coming in.

Mr. Wildman: Are the two things not somewhat incompatible?

Mr. Salmon: I am going to tell my father I did not answer that.

Interjection.

Mr. Salmon: If we are expanding as a town, as we obviously are trying to do, with both the old folks and nuclear waste, those are two more reasons we need this flipping facility. If we are all moving out, we do not need it, but if we are building up, then we need it. Definitely the locations and the people are there. The whole setup of the town demands something better than what we have, and that is the biggest argument I have right now.

Mr. Leone: Let us finish this and then we will go back. This is your chance to get back to the previous topic. If there are any other questions regarding this, I will wait.

Mr. Chairman: Mr. Brown, did you have a question?

Mr. Brown: Yes. The first thing is that all of us northern members have appreciated having the medical issues and the issues of the specialists brought up by the southern members today, which I thought was quite good. I also point out that while Sudbury is getting a cancer facility--and this is true throughout the north--our people still have to go great distances to get to the physicians they need. For somebody from Elliot Lake, you are talking about a full day away from whatever, just to see a doctor for half an hour. Obviously, we need better facilities.

I was interested, though, in that kind of in passing you mentioned the Canadian Institute for Radiation Safety program. I was wondering if you could explain that to the committee.

Mr. Salmon: The Cairns program is what we call--we have the sputum cytology rating. Put the phlegm in the bottle. It is early detection in itself. It can tell by the way the cells are breaking up if you are or are not going to get this dreaded disease. It is from the lungs. It is a very good system, but then again, it is not big enough. It is only voluntary.

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Mr. Brown: What percentage of the workers--

Mr. Salmon: I do not think there is such a big percentage.

Mr. Kanabe: We have around 1,200 workers right now who are--

Mr. Brown: That would be 25 per cent or 30 per cent of the workers who would be participating in the program?

Mr. Kanabe: About 30.

Mr. Brown: I want to get back to the internal responsibility system, because I think that is where the crux of the argument is, particularly in the safety field. I have difficulty when I am trying to look at this. We talk about power, but we also have to talk about responsibility. I am just wondering how exactly you think the system should work so that the power and responsibility within the system get balanced. We can go to extremes either way. The companies for a long while, I suppose, ran the show, before the days of unions. They did exactly what they wanted and, obviously, that was totally their responsibility.

Mr. Salmon: They still do.

Mr. Brown: We could take the other hypothetical example where the union does everything as far as the underground goes. Then who would be responsible? I guess there is a tradeoff in there somewhere. I am wondering where that is.

Mr. Salmon: I do not think the unions are ever trying to take away from the companies the total right to manage.

Mr. Brown: I am not suggesting that.

Mr. Salmon: What we are trying to do is tell them: "Look, here's a problem. Let's get something done. Not when you feel like it or if the guy next door decides to write the memo up. Let's get the blooming thing in action now. Let's get moving."

Mr. Brown: If I could play devil's advocate maybe for a second, if the case is that when the union or the health and safety committee says, "We're going to do this right now," and the company is forced somehow to do it immediately so that it is always done as soon as possible, then who is responsible for safety in the mine, if it is always done? It seems to me at that point the company has no responsibility within the system.

Mr. Salmon: That would be very much like winning Wintario without buying a ticket. It is an impossible position you are in.

It seems to me that the labour movement can suggest whatever the hell it likes, and if it comes down to the dollar bill, forget it. It is not going anywhere. If it cuts production, it is not going anywhere unless it suits the company, and it does not suit the company very often. They do what they want to do, basically.

You have your Ministry of Labour people. They are like toothless tigers. They can come in there roaring and growling if they wish, but they go out with their tails between their legs, weeping. It does not do anything.

Mr. Brown: You are saying we should strengthen the policeman role.

Mr. Salmon: You should have more inspectors with a wider scope of powers who are not frightened to get up and say: "Hey, fix that problem. Let's get it done. It stays down until it is done." The only way to beat the companies is in the pocket when it comes to that kind of stuff. You put it right on the table: "I want this done. She stays shut until it is done." And it gets done.

Mr. Brown: I guess there are two ways to do that: one in which the inspector has the ability to do that immediately; secondly, the union would have the right to close the mine down.

Mr. Salmon: Did anybody ever tell them they have that right?

Mr. Brown: Pardon?

Mr. Salmon: Did anybody ever tell them they have that right?

Mr. Brown: No. I--

Mr. Salmon: Because I have never seen much done in Elliot Lake that way.

Mr. Brown: No, no. We as a committee have to make recommendations. I am trying to get to the point where we know what recommendations we should be making. I am just trying to sort out in my own mind how exactly the power and the responsibility are best balanced.

Mr. Salmon: Better policing would be a step towards balancing the system. As one of my co-chairmen said, the man can be a very good inspector. He can go about it in a very sensible, worthwhile situation and try his very best, but if the boss is not interested, tough. Then, as Mr. Wildman says, he has an option: He can go to the Ministry of Labour. He may as well call my mother. She has more authority sometimes. It does not work.

Mr. Brown: What you are saying, then, is that the government should be taking a greater role?

Mr. Salmon: The government should definitely be taking a firmer, tougher stand.

Mr. Brown: That would balance the system more effectively and cut down in accidents and fatalities?

Mr. Salmon: I think eventually it would cut down on some accidents. You will not cut down on all. We do not live in a perfect society at all, but definitely it would cut down.

Mr. Brown: OK. As an aside, thinking about recommendations and the ones we have not had followed up by the province, I guess one of the things I have heard since being a new member on committees is how few of our recommendations actually get taken up by the government, so somehow that does not surprise me. I believe our researcher is inventorying those for us and we are going to know exactly who has complied. Operations seem to be different throughout the province. Some people have not complied and some--

Mr. Salmon: Oh, yes. Even in Elliot Lake they are different. One mine is run totally differently from another. It is almost as though you are a company within a company. Well, you are a company within a company. You have to make your own profits and your own losses and so on and so forth. That is the way it is run.

Mr. Wildman: I would like to return for a moment to some of the recommendations that have been made by various commissions. Can the union indicate to me what they know is happening or not happening with those recommendations? You were saying just a moment ago that basically the bottom line is what counts, and if workers are given the power to hurt the bottom line, then management is going to be more likely to listen to what they have to say about safety.

Mr. Salmon: Long before it gets to the bottom line, which is the point I make. You do not have to close the damn place down to get results if you know that the ultimate power is there to do such a thing. Management will sit up and listen before it costs them money.

Mr. Wildman: OK. Now if I could play the devil's advocate for a moment, since Mr. Brown did that, I think it was in Sudbury and I think it was the president of Falconbridge who made a comment at one time during our hearings that work refusals--not shutdowns but individual work refusals--often had more to do with labour relations than with safety. How do you respond to that?

Mr. Salmon: Not necessarily so. Communications within any industry can promote safety. We know that. It is there. The figures are there to prove that. If the morale is low, you are going to have problems.

Mr. Wildman: Basically what he was saying--I am not singling him out--what management generally says and what they certainly said when Bill 70 was first passed was that they were concerned that in that case the right to refuse might be used frivolously and that labour might use that power or the threat of the use of that power as a way not only of improving safety but also of getting other things it could not get in other ways from management.

Mr. Salmon: I feel that not all management, but some management, are looking at the labour movement in the 1930s while they are in the 1990s. We do move with technology, too. We know how to talk. We know how to speak. We have all the courses and all the nonsense that goes with it, and we can communicate. But if they keep on with this, where they are in the 1930s system and we are in the 1990s, then we are never going to get anywhere. They have to come up to our level.

Mr. Wildman: We have had evidence from the Ministry of Labour and from members of the labour movement and from management before the committee that, in fact, the right to refuse has not been used frivolously since it has been extended to workers.

Mr. Salmon: No, it has not. We have not found so, anyway.

Mr. Wildman: That is why I was so taken aback by that comment by the gentleman from Falconbridge.

Mr. Carriere: I want to respond to that comment. I do not know what this Falconbridge president--

Mr. Wildman: To be fair, we are taking it out of context.

Mr. Carriere: OK, but let me tell you that there is absolutely no evidence. I know within our union, anyway, all of our locals; I co-ordinate all of the health and safety and I am normally at least aware of almost everything. A work refusal is one that generates some action by either the company or the ministry, and I am not aware and I have not heard from the ministry on any one of them a case where that statement would be justified.

You may be able to find, with the thousands of people we have, some examples, just as you would find supervisors using their supervisory position to force people to do things that are not right. But in terms of an overall view, there is no evidence of that. The ministry reports them all.

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First of all, a work refusal is where somebody feels that his life might be in danger. It does not necessarily have to be. Once you discuss it, in most of the work refusals, there is normally an explanation, after discussing, and that is one of the processes.

Sometimes a worker, especially some young lad, might see something dangerous, and after an explanation on how you do it safely, he is corrected. But the work refusal will go beyond that, because if that is not satisfied, then the Ministry of Labour is automatically involved, and it has all the records. I have not seen one where the ministry has said that it investigated a frivolous work refusal. They have investigated where they also, after investigating, have found because of the investigation maybe a worker who is concerned was probably not likely.

That does not make it frivolous. I do not know where he says that the worker did not have some honest belief, and we have had some decisions--I know of one--where because a worker does not announce his initial refusal was for safety, there is a question whether it is safety or not. That may very well happen, but I have not got any of the reports.

Mr. Wildman: The Ministry of Labour indicated to us that it had no evidence that the right to refuse has been used in a frivolous manner.

Mr. Carriere: And they are the ones who have the records, because every one of them--unless it is settled initially, and if it is, obviously it is not frivolous.

Mr. Wildman: So what you are basically saying is that if--and I underline the word "if"--there were a recommendation that the right to refuse

be extended to a so-called collective right to refuse--in other words, to shut down a work site--there is no evidence that would be used for other than safety reasons.

Mr. Carriere: It would be exactly the same. There is not a worker who is not interested in working, and the most important thing that he wants is to leave the workplace in the same healthy, good condition that he enters. We are not out there to close places. They do have an Elliot Lake. You might ask these guys, because they have some rights to close, if there has been occasion where it has been found by the ministry that their inspectors who have rights collectively in the agreement, not overall, were ever found frivolous in closing a place. I suggest you will not find one.

Mr. Wildman: I would think that the worker's own peers would be a little unhappy if some worker-inspector went around closing things down for no good reason. Not just management but his fellow workers would be pretty upset with that, and he would not be a worker-inspector for very long.

As I said, I would like to turn to some of the recommendations that have been made. One of the things that has been discussed and talked about for a long time related to the fall of small loose is overhead protection on mobile equipment underground. There is some movement that that is actually going to start happening, that there is going to be the installation of overhead protection.

Could you give me some indication of how long your locals have been campaigning for that kind of protection and how long it has taken you to get to the point where it looks like we are now going to get it?

Mr. Kanabe: In Rio Algom we explored some--actually, when Leo Gerard was still up in Elliot Lake, we went underground to look at how we could put in place overhead protection. That is a long problem. That kind of stuff goes to the mining legislative review committee.

Mr. Wildman: Yes, that is right.

Mr. Kanabe: It is in front of them until they have decided how they want to implement it. Right now it is almost three years since those discussions started, but from the mining legislative review committee--

Mr. Wildman: So all the time you were campaigning, the steelworkers were campaigning, and there were recommendations from inquest juries that there be overhead protection. Then you finally get to the point where the recommendation is made that it should be installed. Now you are three years in the mining legislative review committee figuring out how to implement the recommendation.

Mr. Kanabe: That is right.

Mr. Wildman: What about communications underground? That is another issue that has been raised and recommendations have been made. We have had discussions before the committee about the problems of technology in having safe and effective radio communication underground and how that might affect blasting and other things that are happening underground.

Mr. Kanabe: That is another thing that Rio Algom has been exploring now for two years. We have some vehicle radios communicating, but they are still not in place. It is pretty hard to communicate. We have distances, and

noise does not go as it does on the surface or outside. Antennas will not reach that kind of communication, that you can have a prompt and proper way. They are looking at it, and it is still not in place.

Mr. Wildman: Do you have miners regularly working alone underground?

Mr. Kanabe: Yes, we still have miners working alone.

Mr. Wildman: How often is that individual visited on a shift by a supervisor or a fellow worker?

Mr. Kanabe: Right now, he is supposed to be visited twice a day by a supervisor, but what is established is that a supervisor can communicate with the person twice a day. So if he is a busy supervisor, he installs a phone beside him. You just give him a call.

Mr. Wildman: And ask him if everything is OK and how things are going.

Mr. Kanabe: What the condition is and if there are problems.

Mr. Wildman: So it is quite conceivable in that kind of situation that a traumatic accident could occur right after the call, and it is going to be another four hours or so before he may be called again to find out something may be wrong.

Mr. Kanabe: The problem is, if a person working alone has an accident, maybe he is not able to go to the phone or to communicate.

Mr. Wildman: Yes.

Mr. Kanabe: That is where I have a problem with communication by phone. I like to see--

Mr. Wildman: A radio communication.

Mr. Kanabe: --communication where you come on the spot and you see what is happening. Then you know.

Mr. Wildman: If a guy is lying with some loose on his legs, he cannot move. He cannot go to the phone to call and say there is something wrong. What you are saying is if he had just been called previous to the accident happening, it might be another four hours or so before there is another call, they find that he cannot answer the phone and they go looking for him.

Mr. Salmon: Then you have human error. There is nothing stopping that shift boss from accidentally forgetting to call that one particular vehicle or that one particular guy. It may not be until he actually finishes his shift and he is picking up his card at the wicket. All of a sudden he is left with a card and says, "Where the hell is this guy?" Then you are going six hours.

Mr. Carriere: One of the problems of working alone is there is absolutely nothing in the act or regulations that requires companies or anybody to put two workers together. That has been the labour position, I guess, as far as back as in the mid-1970s, when there was the Mining Legislative Review Committee. That is how far back it goes, and if you ever

look in their minutes, you will find it. We could never get the government or anybody to agree and to change it.

There is, if you want, an understanding that they are supposed to visit. That also is not happening. That is what they are supposed to do, and there are all kinds of those out there. If you can canvass workers, you will see that there are a lot of solo workers who go underground to the workplace and come out. They see their shift boss when they come in and they see him when they go out. There are no regulations, and that is a problem.

I think we had at least one fatality at Inco--I do not remember exactly how long ago--where we think, had there been two guys working, we would not have had a fatality. It was one who fell in a chute and hung in a chute for about, they do not know, six or seven hours, and nobody knew.

Mr. Wildman: Oh, my God.

Mr. Carriere: So there are possibilities.

Mr. Wildman: How do you deal with the argument--and this has been raised with me by people who do not agree with the idea that you should require two people to work together--that in fact in a fall of loose, for instance, instead of one dead miner, you may end up with two if there are two of them working together?

Mr. Carriere: I do not buy that argument at all. That is a possibility.

Mr. Allard: When they are all working side by side, they are not working within a foot of each other. There is a distance of maybe 10 or 15 feet, depending on whether they are just sitting around in the slats or whether if they are working in other areas.

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Mr. Perquin: If I might speak up, I am John Perquin, staff representative of the United Steelworkers of America. To answer that question, you could also use the old cliché that two heads--or two eyes or two ears--are a lot better than one set. OK?

To get back to you on the point of being visited during your shift, the way the act reads, it merely states--and I do not have the exact wording--that you must be seen by your supervisor and although there may be an understanding that you should be visited, there are those people who like to play with words. Seeing the individual twice during a shift, as Norm said, means clocking in in the morning and clocking out at night, and the supervisor never once enters the workplace of the individual, never once during the day. That happens frequently.

Mr. Wildman: One of the other main issues that has been raised is lighting underground. I understand that there were new regulations introduced last spring to require a minimum standard of lighting and that lighting must be bright enough to check the ground conditions in the area where the miner is working. I understand there is also a minimum lighting standard for cap lamps which will be in place in June 1988. Is that right?

Mr. Carriere: Yes. Let me respond to the lighting. I think the lighting has always been a concern about working underground. If you go back

to the Burkett commission you will find, in some of the submissions we made, even the companies agreeing. I cannot remember which one, but it is in the review of the Burkett commission about lighting. They were making studies then.

I know that Gib Gilchrist, our area supervisor in Sudbury, has been fighting with the government for years about lighting underground. In the 1970s there was no reason why we could not light. There was hydro, there was everything. When the company needed to remove their ore which makes money and needed electric equipment in there, it did not take them long to put it in, but when you wanted lighting or some other things, they said, "Look, it is almost impossible to put all that stuff in." So lighting was a problem.

That was addressed and the lighting regulation was changed, and we handled that in the Mining Legislative Review Committee. There were a number of recommendations that came out of the Stevenson report that dealt with ground control. That is all they recommended on. The Minister of Labour then, when that was released, made some great speeches about how he was going to act immediately. It was a sad situation. That was started because of the miners in Falconbridge who were killed.

Out came this great commission, and right away there was pressure on the Mining Legislative Review Committee to take the recommendation from that particular committee and to see what was needed out of those recommendations to be implemented in the regulations to address those specific ones. It never did address them, of course, and that is what we did. We addressed the lighting in terms of ground control, the auxiliary lighting. If you cannot see the map, you can check the ground condition. But it did not address the overall issue of underground lighting that is still an issue and is still continuing.

At least when you get some pressures and you see that there is some political will, for whatever reason--we obviously went through and finally got some lighting. That is not the end of it. Unfortunately, the companies have been bucking the whole system. There is no question that lighting has something to do with some of the accidents. How much it is going to be difficult to say, but I guess it has been proved in highways.

There are a lot of facts about lighting. Cars are the same way. You drive with lights, the same as miners. There are a lot of facts. I think some of the doctors who dealt with lighting and studies have proved that when there are a lot of accidents at an intersection, when you put light in the intersection it clearly reduces the accidents. There is no question that lighting has something to do with how you operate.

We are not happy with it. We think there needs to be a lot more regulation about lighting. They say they have changed the regulation. That was specifically dealing with the ground control. We did a number of things there.

Mr. Wildman: You are saying that it deals with the ground control in response to Stevenson but it does not deal with the recommendations of Burkett or others.

Mr. Carriere: That is right. It did not deal with the lighting underground, as that is the policy. That is how come the regulations were changed in the earlier question you asked about the mobile equipment and fall-on protection. As a result of the political will there was a lot of publicity on that. We managed to grab on to that to make some changes.

Those things have been on the union's agenda for years and there was never any change. All of a sudden there was this great thing. It was a political thing and we grabbed it. We got some stuff. We are not happy with it, but at least we dealt with the recommendations as they related to that particular commission.

If they had dealt with all of the commissions the way they did with that one, there would have been a lot of changes made. It was the only one that we had--

Mr. Chairman: On the protection of underground equipment, let me just point out that the regulation was amended last May 15. That is what Mr. Carriere is talking about. This is the weird way it is worded:

"Devices to protect operators from falling objects shall be installed on every motorized trackless vehicle used,

"(a) in a new underground mine that is developed after the 1st day of June, 1988; or

"(b) in an area in an underground mine with respect to which an engineer of the ministry has given the owner a written opinion that local ground stability presents a hazard to the operators."

Subsection 3 says, "Clause 1(a)"--which I just read to you; I read clauses (a) and (b)--"does not apply to a motorized trackless vehicle while it is being used in an area in an underground mine that is made safe by scaling, timbering or rockbolting or by measures that provide safety equal to or better than scaling, timbering or rockbolting."

Mr. Wildman: In other words, they are saying you have to do it in a new mine but you do not have to retrofit what you already have.

Mr. Chairman: No. You do not even have to do it in a new mine.

Mr. Wildman: As long as you are scaling and bolting.

Mr. Chairman: That is correct.

Mr. Wildman: You scale and bolt in just about every mine.

Mrs. Marland: We do not do it at all is what he means.

Mr. Chairman: I just wanted to give you an example.

Mr. Salmon: So we should buy umbrellas for overhead protection.

Mr. Wildman: I wanted to move to one other issue that has been raised, I think, as a result of the Stephenson study on ground control. Correct me if I am wrong, but I think there was a recommendation that any worker, not just a miner, who is going underground, should be trained in ground control in order to enable him to recognize hazards, and that hazards he recognizes must be reported. Is that correct?

Mr. Carriere: I have not got the recommendation but you are correct, there was a recommendation about training.

Mr. Wildman: What has happened with that? I am not just talking about miners. I am talking about anybody, maintenance employees, whoever, who are going underground. Are they being trained?

Mr. Kanabe: Employees are trained in basic Common Core. They have to have it. In Rio, we still have a few plant people outstanding, such as mechanics, to be retrained or who ought to be trained, but that is a basic. It is not sufficient for those people to recognize actual ground movement. To recognize ground movement, you have to have experience in working with rocks, and it takes a few years.

I worked for 24 years underground and I still have a problem. I was trained by Cambrian and by the Mines Accident Prevention Association of Ontario and by quite a few places on ground control and recognizing, and I cannot recognize it. Still, on occasion, I have to consult with the experts.

Mr. Wildman: You are saying at Rio they are getting rudimentary training. It is not as if they have no training, but you are saying it is not sufficient to really be able to identify that.

Mr. Kanabe: It is not sufficient. Maybe at their local we have a problem.

Mr. Mondoux: Not with our local. We are the office and technical, and we have a few people who do go underground on surveys and sampling. We have a problem in that some of our members have never been underground. They go underground into these jobs. The company is training them, but there is no time period. They can train them three months or six months down the road. They are not trained before they go underground.

Mr. Wildman: They set up some kind of training schedule?

Mr. Mondoux: There is training for them, but they are not trained before they go underground, necessarily. They are being trained three months or six months after hiring, after they have been underground and exposed to all the elements. They are setting up the training--

Mr. Wildman: What you are saying is that it is not required that they be trained before they go underground, just that they be trained at some point?

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Mr. Mondoux: That is right.

Mr. Chairman: We are having trouble picking you up as you turn around to talk to Mr. Wildman.

Mr. Wildman: Sorry. You are really talking to the mike, not to me.

Mr. Carriere: --the training because that is probably a violation. The act is very clear that the company is supposed to make sure that workers are (inaudible) safe. Underground, it is like you said. They have the Common Core for Basic Underground Hard Rock Mining Skills program, and the recommendation from the ground control committee was that they ought to incorporate in there a module on ground control. That, I understand, is presently being worked at.

We have two things that happen in the education, the modular training, if you want, of the miner. The setting up and the establishment of these programs is done through the Ministry of Colleges and Universities. We have a tripartite committee which deals with that. They are the ones who dealt with the soft-rock and hard-rock mining Common Core, and now they have to go and review.

The basic control program they have now, of course, is scaling. That deals with the loose, but they are working on an expanded program. The difficulty with the expanded program, if you go into kind of more of an engineering thing, is whether the worker will be able to understand or benefit from it. But there needs to be more training on the ground control.

That is there. But the company has an obligation, and that is the problem we have. The act is not strong enough about the training, about sending somebody down. You probably have the act there. About the regulation, when it talks about the Common Core, at least the company is obligated to have the employee go through that Common Core within, I think, one year. It used to be during their employment. Just to get it down to a year was difficult enough.

The reason for this is that in the Common Core program there is more than just the basic things. If all you need is an employee who is going to be, if you want, a labourer, what he needs is the modular training of the Common Core that would deal with the emergency system underground, the scaling, the ground control and the evacuation system. If he is well trained in a specific part of that Common Core, and as long as he is working with competent people, he can do it. Then the Common Core goes into some drilling, which is more--

That is the problem we have. The company is not supposed to send people underground to work unless they are trained within some of the Common Core program and some of the modules and are at least familiar with the mine, the emergency system and the ground control system. But the act does not really specify.

Mr. Wildman: They just say that you must be competent.

Mr. Carriere: That is right. And who decides that?

Mr. Allard: I am André Allard and I am with Local 5762 at Denison. I have a problem with that. In fact, we all have, especially the tradespeople, who are given a few days to a week of so-called Common Core training. But as you know yourself, if I set you up in a room and give you this training and then you go back to your job in the following week, you may never touch a scaling bar for months. If you are a mechanic who works in a shop for months, and all of a sudden you are sent out in the field to work on some heavy equipment, you may still recognize the loose, but you do not know how to take it down. We get a lot of feedback from our workers that they feel they will be putting themselves in danger by trying to scale down a piece of loose because they do not have the experience. As Mr. Kanabe stated, you need time to practise working at it day after day, month after month.

Going back to the brief I handed in at Elliot Lake, it is a little bit of a repeat of what my co-workers have said here on the jurisdictional problem we have at Denison and with the ministry. I will just briefly read a paragraph of my brief.

"The regulatory agencies and their inspectors are unsure of their enforcement capability....the companies' knowledge of the above frequently

results in the failure or a slow response in reacting to ministerial directives. The employees are frustrated and unsure of their legislated rights."

That is a fact. We are talking about work refusal because of the situation with the ministry on its enforcement.

Mr. Wildman: That is your particular problem because it is a uranium mine and because of the jurisdictional problem between the federal and provincial governments.

Mr. Allard: Right.

Mr. Wildman: Neither is sure as to what enforcement capabilities it might have.

Mr. Allard: Yes, and it has thrown fear into the worker. He is afraid now to use his right to refuse, because he does not know what position he is in now. We are having lots of problems with that. I think the ministry has to take a stand now, because of these repetitive items we are getting from them day after day. They do their inspections, and the company is just overlooking that.

At one time a ministry official went into the mine and it was well dressed. In fact, the company knew ahead of time and arranged things. But now they go in there and they do not care if they are in there, because they have no clout any more. They go in there and they may issue a work order, and the company ignores it.

In fact, not long ago one of the ventilation inspectors went in and he closed down nine headings. Work orders were issued, he went back for a followup a week and a half later, and nothing was done. Shit was raised, I guess, but it is a continuous problem.

Mr. Wildman: Do you have any evidence of either company actually going to court to argue that it does not have to follow regulations, recommendations or orders?

Mr. Allard: We had one testing.

Mr. Wildman: I thought that was resolved in court at one point.

Mr. Carriere: I guess the companies and government may be playing games with it. The resolution of it was that the Ontario Mining Act and the mining branch apply. I think there is still a question in that jurisdiction about the prosecution level. There may be some problems there, but in terms of the act, that was supposedly resolved. If there are some problems again, that is companies and government letting it happen, because there is some agreement on that.

Mr. McGuigan: I am not going to make any accusations about whether people register frivolous cases or not, but I just want to put on the record that yesterday I went over to visit the Canadian Salt Co. in Windsor.

This is at the Canadian Salt Co. in Windsor. In discussing the general area of health and safety, the Canadian Auto Workers representative--I guess maybe Lorraine could tell us the name--

Ms. Luski: Jim Gill.

Mr. McGuigan: That was not it. It was French.

Mr. Wildman: The head of the joint health and safety committee.

Mr. Chairman: Rick Laramie.

Mr. McGuigan: Something like that. He volunteered, because we really did not get any place in this particular mine until both of them, management and labour, made a clear separation between labour relations and health and safety relations. We did not even dig that out of him. He just volunteered that. I just want that on the record.

I am really perplexed on this matter to do with preventive medicine in the industry. I think it is generally accepted in the whole medical world that the first line of defence is the general practitioner. If you have an ache or a pain or whatever, or if you even want a checkup, you go to your general practitioner. In many ways they are, perhaps, smarter than the specialist because they have this whole range of things that they have to look at. When they find things out or suspect things, they have this test and do this thing or go to this place. If it is identified, and you are lucky I guess, you end up in the top place in Ontario for cancer. That is the Princess Margaret Hospital, or in the United States, I think, it is the Memorial Sloan-Kettering Cancer Center, some place on the east coast, I am not too sure where it is, maybe in New York city.

If I or a member of my family were sick, that is where I would want to go, because I want to go to the top place. I do not want a secondary place, I want the top place. And the thing we have to ask ourselves as legislators is, if we follow your recommendations, are we setting up something that is not the top. Because, on the committee, we do not give a darn about money. It is the Treasurer (Mr. Nixon).

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Mr. Tatham: Be careful.

Mr. McGuigan: I do not have to worry about being careful; it is the Treasurer and the Minister of Health who have to worry about the money. It is not us. There are three parties. Certainly there are two parties here that are not in the government and they are not going to worry about money, and we do not either, worry about money. We want to make a recommendation that gives you the best possible treatment.

To answer the question that Mrs. Marland brought up, the argument you are going to get back from the health people is that you are really not going to get the very best people to leave Toronto; that is, the best practitioners. They have the university here; they have their colleagues here where they can say, "If I cannot answer this question, I will take it to Joe and he can look at it and then we will go to Bill," and so on, and they reinforce one another, and each one brings their own particular view of the thing. The system works that, where you are likely to get the best treatment, is where you have these top people. They have people coming from Europe, or visitors--visiting professors, visiting doctors--a few from the Sloan-Kettering coming back and forth, and they reinforce one another.

The really good person--I do not care if you are going to say, "Well,

you have to go to Chatham," where I live; they do not go to Chatham. And they are not going to go to Elliot Lake either. I do not think they are going to go to Elliot Lake. The question is putting up a system that brings the miner to where he is going to get the very best treatment. If there is a lack in that first line of defence in Elliot Lake, let us get at it. But I certainly hesitate, as a legislator, to set up something that is going to be second class. I just wonder what you think of that.

Mr. Perquin: The problem, in response to what you are saying here, is that the doctors, the general practitioners, whether they be in Elliot Lake, whether they be anywhere, are not trained in occupational health. They are trained in how to treat people for general diseases and what have you, but the kinds of problems that we are susceptible to in industry, and in the underground mining situation, are not easily and readily recognized by general practitioners, who, when they go through the colleges to become doctors, receive in the neighbourhood of 20 to 40 hours of their total years of training in occupational health. I am not sure if it is within the scope of this committee to make those kinds of recommendations, but certainly something has to be stated to the College of Physicians and Surgeons of Ontario that far more occupational health education in the field has to be presented to the doctors when they go through their school. The occupational health specialists that come out of the system--and there is now a recognized speciality in occupational health--are few and far between. I think in the country they probably number less than a couple of dozen.

The other problem, particularly for labour, is that those who do come out with that specialty end up gravitating to the companies because they pay the big dollars. Naturally, once you are on the payroll of a company, you are certainly going to turn out the statistics that are favourable to the companies. They are not going to be favourable to the workers. There are a few who do come out, and they can probably be counted on one hand, who are favourable to workers and they work in such clinics as the ones in Hamilton and Sault Ste. Marie, although they do not have a lot of specialties in occupational health in Sault Ste. Marie. That is where we need something, whether it is in Elliot Lake or in Sudbury. Of course, we would like it in Elliot Lake because that is where the people come from that we are concerned with mostly.

We need something that workers can easily access in central locations throughout Ontario--that is the real thrust--where they can go and feel comfortable that the physicians that they are speaking to and dealing with, know what their problems are and how they are related to the workplace. They are familiar with the chemicals and the effects that those chemicals have on our bodies. They are familiar with the gases that we have to breathe on a day-in, day-out basis. They are familiar with the ores that we have to mine. They are familiar with the metals that we have to form with, so on and so forth.

Again, I do not know if it is within the scope of this committee, but if it is, that is, by all means, an important recommendation that has to be made.

Mr. McGuigan: That is a part answer to my question. I guess the next real question we will have to settle, as committee members, is a full understanding of the difference between an occupational health and safety-trained doctors and a general practitioner. That is what I need to know.

Mr. Perquin: OK. There is a speciality and it is recognized by the College of Physicians and Surgeons of Ontario. Once you receive your medical

licence you go on for further training in that particular field. The problem is that GPs do not receive enough of that training. The maximum they get is 20 to 40 hours. Far more training is given in the field of obstetrics. Mind you a lot of them give birth, but again that goes on to a speciality in itself as well.

Mr. Mondoux: I think one of the big problems that you have to remember too is when you say you have cancer, you have been diagnosed as having cancer. You want to go to the best possible place. Your doctor gets hold of the specialist in Toronto. There is no room. They cannot take you. What recourse do you have? You have to go back home and have that operation.

Mr. McGuigan: That goes to the question that Mrs. Marland brought up. Where is it best to spend the money that is available? Is it better to get more people in Toronto, and admittedly there is probably not enough, where the pool of knowledge is and the hospital is and whatever equipment they have is probably the best that there is. Do you spend it there or do you spend it on the other thing?

Mr. Mondoux: I think the biggest problem is bed space.

Mr. Chairman: Are we talking, Mr. McGuigan, not only about all the sophisticated expertise at Princess Margaret but also early detection and things that do not require all that high tech stuff either. I think that is what I got out of what they were saying.

Mr. Salmon: We have to detect it before we can treat it. We do not necessarily need such a great huge facility, or just one facility. We have Elliot Lake, Timmins, Wawa and what we would call the North. There are people from further north that call us the South. They need help too. So one facility in Elliot Lake is nothing. Maybe you could go to three or four throughout the province. That would be of much greater use to all the communities, because then you have taken it out of the hands of the GPs. You have taken away a little bit of the excess baggage that they have in Toronto so they can find out what it is, sort it out and away you go.

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Mr. McGuigan: I certainly approve of the idea of putting a much better facility, say, at Sudbury, but even if you had four really good facilities, one of them is going to be the top one.

Mr. Salmon: There has to be a top one, sure, but it seems to me that everything centres on Toronto. It may be the capital city, but it is not the end of the world here. We are living in an area--

Mr. McGuigan: I come from southern Ontario and I do not like Toronto any better than you do.

Mr. Salmon: I do not dislike Toronto, but everything has to come here. That is fine and dandy if you live here. We have to travel all day, sometimes on chance flights. There are people farther up in the Indian communities. They need help too, because they have problems. We are not just dealing with the miners, the mine towns and villages; we are dealing with the people of Ontario. Once we get that through our heads, that it is a multicomunity system that we are trying to get started, then we have the thing half-licked.

Mr. McGuigan: I can certainly understand matters of community pride and recognition and all of that sort of thing.

Mr. Salmon: I do not think that comes into it. Pride does not have anything to do with it, it is the fact that you have Toronto and everything else comes into Toronto, like a heart with all its veins. There is nothing stopping this legislative committee from arranging something or legislating something so that we have another heart somewhere else. Then the veins are all spread again and you have a multisystem, a satellite. With the technology we have today, hell, you could take a heartbeat in Toronto if you sat in Wawa. The facilities are there, but we do not use them. You cannot lay a hand on a person and, "You're fit."

Mr. Carriere: I think you are separating a little bit about Princess Margaret Hospital or a place where you go when you have been diagnosed. It is after the horse is out of the barn kind of thing.

A lot of our people we bring from northern Ontario to find out what is wrong with them and whether their problem is an industrial problem do not go to Princess Margaret. We have to take them to some occupational health and safety people, and we have had very few. You go to Dr. Nethercott, who is in Toronto here at the hospital, or you go to Hamilton. I guess you might go to McMaster, or you go to the occupational health centre in Hamilton. That is where we have to bring them, not over there to find out.

After they have cancer, we know where to send them and we do not necessarily think it has to be Princess Margaret. You need some centres all over for that. The Sudbury one is going to be a great thing, I think, but you need some others, and you need some good facilities.

We are talking about clinics where people and workers can go when they have problems and they want to know whether their problem is an occupational health problem or whether it is something else. Right now, I am not aware of any physician or family physician who has enough experience with that.

All the time I worked in the Sudbury underground and had my physician, when I felt bad about something, he did not ask me where I worked and what kind of exposure. Even if I told him, he would just give me some aspirin and tell me to go home. He would not check me to see whether I might have been exposed to diesel fumes underground--and I had--and all of that.

I do not know if that was the problem. There is nobody who has that. There are no occupational health and safety clinics that can identify it. When we have it, do you know what we tell our guys? We try to get them to come to Toronto. We try to arrange meetings in the hospitals in Toronto, because there is none up north.

Mr. McGuigan: This is where I have some difficulty. I come from a farming area, and we use a lot of chemicals. I get these questions: "You're a farmer. What have you been doing?" It is in the spring when we use them mostly. They are aware of it. They look for it.

Mr. Carriere: They do? Maybe we need some of those up north. I do not know where they got their training.

Mr. Salmon: We can swap. You can have some of ours and we will take some of yours.

Mr. Carriere: My father-in-law was a farmer too, and his doctor did not know in St. Charles. I do not know why your physicians know about it, but I am telling you, wherever he got his training, if he is a fairly old one, he must have got some training outside of Canada, because it has only started now. I guess you can get the numbers of how many qualified industrial doctors we have in this province. I am sure they will tell you.

Mr. McGuigan: There is a story about a doctor at Nobel where they make the dynamite, and he had been there all his years. He started noticing a lot of heart attacks on Monday mornings and Sunday evenings. So he went back over his records, because he had been there all his life. There was a real pattern of heart attacks on Sunday night and Monday morning. He figured it out, that those people who had heart problems when they worked in the factory where the nitroglycerin was--

Mr. Chairman: I am sorry to interrupt again, Mr. McGuigan, but Hansard is not picking you up on the mike.

Mr. McGuigan: When they were working in the environment where there were nitroglycerin fumes, that was masking their heart problems. Over the weekend they were minus nitroglycerin, and they would have heart attacks or die. There was a guy who, no matter what training you had given him, could not have found that out except by a lifetime of work in that community.

Mr. Salmon: Again, the problem is that we do not have many doctors in Elliot Lake who have been there a lifetime.

Mr. Wildman: They spend two or three years and then they move on.

Mr. Salmon: They make their dollar and they get the hell out of there. I can agree with what you are saying. Not many people want to come there, but the town is--

Mr. McGuigan: Now you are putting the hay down where the horses can get at it.

Mr. Salmon: They are basically a service commodity. They make their dollar and they get the hell out of there. They are not going to in any town.

Mr. McGuigan: You are talking my language now.

Mr. Salmon: Even in Toronto, they do not all stay here. There are some who like to fish and hunt, so they go north. We have a couple. You can have them back if you want them. We need others.

Mr. Wildman: One of the problems is that under the underserved areas program in the north, a program to encourage doctors to come north, in many cases, not all, they do indeed come to the smaller community in the north, serve their three years or whatever it is but then they move on. They may move back to southern Ontario or to a larger community in the north, Sault Ste. Marie or Sudbury. There is a continual turnover of medical professionals in small communities, if you are lucky enough to get them at all. Some small communities do not get them. It is very hard for a doctor, first, to start learning the kinds of chemicals people are exposed to and, second, to start identifying patterns in his case load, because he is not usually there for a long duration. That is a serious difficulty. It is not just Elliot Lake's problem. It is a problem for all of the northern communities.

Mr. Salmon: I think you hit it on the head when you said they come for three years.

Mr. McGuigan: I guess my final comment is that we would have the same problem with people trained in occupational health. We would have the same darn problem unless by taking occupational health they had made the commitment that they were going to spend their life there.

Mr. Allard: Also, they do not have the facilities or equipment. They get frustrated about not being able to do anything.

Mr. McGuigan: I think you made your point.

Mrs. Marland: Yesterday, when we were at Windsor in the salt mine, we were impressed to see that the company there issues the new self-rescuer pack to each worker underground. I recognize we are talking about softrock mining here, but we are talking about underground working. This apparatus issued by the company cost it \$110 per unit. It is an American-owned company and it is a standard requirement in their American mining operations since a very tragic underground fire involving something like 29 fatalities, I think they told us. They also said they provide, if the workers wish to wear them, the very expensive helmet hat with the screen, the air circulation and so forth inside it.

What was interesting was that although every man is wearing the pack--I think that is mandatory, that they wear the self-rescuer pack--we noticed that a scoop tram operator did have the special hat, but with the other workers who were doing the blasting, at least the filling of the blast holes and the drilling for those holes and the undercutting of the rock face, we did not see any who were even wearing dust masks.

1240

What I am wondering, and also coming around to a comment you made about the sputum tests, is that they are not so effective because they are only voluntary. I think you said, where is the sawoff with the worker being responsible as far as possible for looking after himself? I gave you these examples from yesterday where they could wear this special hat, if they wished, at no cost to them; it would be provided by the employer. If you work underground and you know that by having a periodic sputum test you may have an earlier detection if something is affecting you--yet you say it does not work because it is voluntary--if these safety measures, either health-wise or equipment-wise, are voluntary on the part of the underground worker, where is the degree of decision? Where is the degree of responsibility?

Should we as a committee, for example, be recommending that every underground worker be provided with the self-rescuer pack? It does not matter what they cost; \$110 is not anything compared to the fact that they give an hour's escape opportunity to the worker. Should we be making those kinds of recommendations, that this kind of equipment is mandatorily provided by the company, but also that it is mandatory that the worker wears them? If a worker can be protected by a proper dust mask system, should we make it mandatory that it is part of working underground? Should we make it mandatory that a sputum test or some other sputum evaluation is done?

Mr. Carriere: Let us separate the two. What you have to look at underground in safety regulations is a regulation, if it is required, has to be mandatory. I am not familiar with salt mines, but if they have some

evidence as a result of experience, if they have particular gases underground and other things, the same as those you find in coal mining--there are different regulations in coal mines, of course, because of the different kinds of gases they experience; I know that in softrock, there is a difference--if that is a requirement, if that is the kind of protection they need, it has to be mandatory. There is no question.

As for the mandatory wearing, I do not know what it is for. It seems to me that the only reason you wear something is to protect yourself from some hazard. The union has always taken the position that the only way to do that is to remove the hazard. You have to change the ventilation, do things that will change a thing. It is not the right way, to pile equipment on to the worker. I do not know what that does. It is all right in the short term. I do not know what the masks are for, but if it is--

Mrs. Marland: If they were used for a fire--

Mr. Carriere: If there is a fire underground, the only way to get out of it is to get out of the mine. I do not know how it happens in a salt mine. We have fire protection in our hardrock mines. There are clear regulations about it.

Mr. Chairman: They do not have rescue stations either.

Mr. Salmon: None of us really has any exposure to salt mines.

Mrs. Marland: I did not want to focus on the salt mines. I gave that as an example. You say, and I certainly think everyone on the committee would agree, that the goal to make a safer workplace is to make a safer workplace, not to pile the equipment on. However, there are some things that are impossible to control. I guess that you can reduce fire risks, but you cannot eliminate them, and you can reduce rockburst risks, but you cannot eliminate them. If you are in a situation where there is a rockburst--of course, air is not a problem in that situation--if you are in a situation where there is a fire and having one of these air packs would help you get out of a smoke-filled area and on your way, would it not be worth while for that worker to carry that breathing apparatus?

Mr. Carriere: No question about it. I would think that the company offers them so that they have with them all the time a mask that they can put on in case of fire.

Mrs. Marland: That is right.

Mr. Carriere: I guess everybody has one available. If it is something that he has to wear all day in case there is going to be a fire, I doubt that happens.

Mr. Wildman: He wears it on his belt.

Mrs. Marland: It is about the size of the lamp battery, about that weight. It is not something he wears on his head.

Mr. Carriere: All right, so that is in case of fire. In that situation, if that is something that helps, I think that is fine. Again, because I am not familiar with that place, it is difficult for me to make some comments.

I think the best way to save people, of course, is to remove the hazard, and we have always insisted on that. There are a lot of ways to do it. You have to remove workers from everything--sound, heat. We give them out here. We have the fall-on protection as one example of that, and certain things. Some countries went and did it all the way. We will never do it here because we do not have the will. They put air-conditioned cabs with soundproof cabs, so everybody is protected on all equipment. We have been pushing that, and that is the one way to do it.

The sputum sitology? Let me answer that one. The Canadian Institute for Radiation Safety, of course, is a tripartite kind of structure. We have people on it. The sputum sitology program is not foolproof and that is why there are some questions. Number one, there is even a question in the whole doctors' community about whether it really works. It is really dealing with lung cancer, as I understand it. The other question is, by the time you detect it, is it going to help or is it only going to have the worker live with cancer longer?

While those questions are not answered, of course, Cairns and the people on that committee who are trying to implement it, continue to feel that the best way is voluntary. They have it in Elliot Lake. We do it in Sudbury with our sintering plant employees, and a lot of them are in the program.

It is one way. Some people say, "No, I prefer to go to my doctor every year." Some people can do that. It is a matter of what you want. I think it is wrong to insist that people have to go to doctors. Which doctor, and what is he going to do?

I think what Cairns is doing and what the union and companies are trying to find, through science and through a lot of research, is a better way to detect this stuff. This is still experimental, as I understand it.

There were other programs they tried to get involved. There was the carotene program. Those are all studies right now. It cannot be forced on them, because it is science.

Mrs. Marland: With respect, you are asking for an early detection facility. If I were to take a straw vote on this committee, I am sure you would have support for that. But the only way it is going to work is if it is used. If you are saying that some want to go to their own doctors, some want to be part of this program and some do not, where is the final, ultimate responsibility? You say, "So the worker finds out a little sooner that he is going to die of cancer." Thank heaven, there is progress being made for the treatment of cancer. So even if it means they have to go through extra testing, is it not better to find out?

I recognize the other aspect of this is that if I am working underground and I am suspected of having the beginning of that disease, I am going to be shipped above ground. I know I am going to be shipped out perhaps while the evaluation is done, and until it is compensable, my whole income is at risk. But I think most human beings would rather have their lives and be able to go on to some other kind of job and live than stay underground at their bonus pay rate or whatever their income is and put their health at further risk. Am I wrong?

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Mr. Carriere: You are right. That is what most unions do and that is

why there is the voluntary program, when they know it. But if you want to force us by legislation to have people be guinea pigs--because that is what it is; it is testing. If there were some foolproof things that they would have, that is another thing.

Mrs. Marland: No, I am not suggesting that.

Mr. Carriere: This is what I am telling you. This is really research stuff.

Mrs. Marland: OK. Let the record show I am not suggesting that anybody be guinea pigs. What I am suggesting is that we work together to find the best long-term protection for any worker who is put at risk through his workplace and job environment. All I am saying is I think there is a shared responsibility in that arena.

Mr. Carriere: That is what Cairns is doing. That is what you have to understand, that the Cairns program on the sputum is worked jointly with the parties--the union, the companies, the government and the area. We all have people on those things and we are trying to find better ways. When we do, then we have to decide what we do with it. Mr. Perquin is on that. Were you on that Cairns committee for a while?

Mr. Perquin: I was just going to expand a little on your line of questioning. I see it as breaking down even a little finer than that because you are talking on one hand about medical monitoring and whether or not we should make that mandatory. On top of the concerns that Mr. Carriere expressed about the guinea pig situation and what have you, we also have concern with who is going to maintain the records, the confidentiality of those records and who is going to do the actual testing and what have you.

Mr. McGuigan: There is no question about confidentiality.

Mr. Perquin: It may be that you have no question and I have no question, but let me tell you the employers have a lot of questions about it because they want their hands on that information and they insist the information is rightfully theirs, every single bit of it, regardless of whether it is specific to that particular problem or whether it is all-encompassing about your total health.

Mrs. Marland: Are you saying there are records about my personal health that I do not have access to?

Mr. Perquin: No, I am not saying that. I am saying the employers want their hands on that kind of information.

Mr. McGuigan: To hell with them.

Mr. Perquin: That is what I say too, but the trouble is that right now some employers do have that information at their disposal.

Mrs. Marland: OK, then that is something we could address.

Mr. Perquin: That certainly has to be addressed.

Mrs. Marland: That is a good point to make.

Mr. Perquin: As far as the personal protective equipment is

concerned, you are saying there has to be some shared responsibility there. The Occupational Health and Safety Act stipulates--and again I do not have the exact wording--that the employer has to provide a safe and healthy workplace, as safe as possible. The trouble is there is a hook there because the employer can get around that if he can show it is unreasonable to pay the cost. What do they do? They load up the workers with personal protective equipment because it is a less-expensive option for them. We have to bear the brunt of it as a result.

We already guarantee to provide them eight hours, 10 hours, or whatever the work day is, of good, honest, steady labour. We did not agree to give them our ears, lungs, hearts and the rest of our bodies to go along with it. Yes, in those situations there are sometimes occasions where you need personal protective equipment. I think the helmet you were talking about is the Airstream helmet. We do use that in Elliot Lake as well. From our point of view, better ventilation is the real answer.

Mr. Chairman: Can we give the last question to Mr. Tatham, because we are running out of time?

Mr. Tatham: This is more of a comment than anything else. I acted for nine years as the campaign chairman of the cancer society in southwestern Ontario. Back when I started, in 1959, cancer was a word people did not want to hear about. They would give you a little bit of money but would say: "Do not give me any information. I do not want to know about it." But as time moved on, people changed their attitude and now cancer is something people will address. Still, if you have got cancer, it is a bad situation. I wonder how many people take part in cancer societies in the north today. Is the society working? Do people volunteer and help each other?

Mr. Salmon: Yes. We have a local branch in Elliot Lake and it does very well.

Mr. Tatham: Do the people take part?

Mr. Salmon: Yes, they do.

Mr. Tatham: Do they hold clinics? Do they bring doctors in?

Mr. Wildman: They spend most of their money in shipping patients to the Princess Margaret Hospital. They raise an awful lot of money and they have to spend a lot of it helping patients travel to get to the hospital.

Mr. Tatham: Do they not have doctors who come through?

Mr. Salmon: Not necessarily, no.

Mr. Tatham: They do not have clinics in their local hospitals?

Mr. Salmon: Not as far as I am aware.

Mr. Kanabe: They have a van. The Canadian Cancer Society sends a big van. Maybe once every two years you see the van come in front of Collins hall and anybody who wishes can check or something. We, as a local, donate money to the cancer society. In the local union we are active in the cancer society.

Mr. Tatham: Money sometimes is easier to give than yourself.

Mr. Kanabe: That is right.

Mr. Tatham: It is awfully easy sometimes to say, "Here is \$5 or \$10," or whatever it is, but to take part and to go out and help--

Mr. Carriere: Not on our wages, it is not easy.

Mr. Tatham: I think that sometimes with volunteer organizations people help one another, because you cannot leave it up to government all the time, or the company. You have to do it yourself. I really believe that organizations working with one another can help one another that way.

Mr. Wildman: It might be useful if you tell him about Gus. That is the kind of commitment that you have from Elliot Lake and have had in the past.

Mr. Kanabe: At Elliot Lake we had one member of ours who had lung cancer. His was the first case recognized by the Workers' Compensation Board. He was a very good friend of mine, Gus Frobel. Maybe some of you heard of him. He encountered cancer in 1968 and they did not want to recognize his claim until 1976. He fought and he fought with the board. He asked help from all over, even the United States. He went to Minnesota. Apparently, in Minnesota there was one legislator. He died also from cancer right after Gus. Gus died in 1968. It is a very tragic story when you listen to it.

Mr. Chairman: He did not die in 1968, did he?

Mr. Kanabe: Gus died in 1978.

Mr. McGuigan: It was 10 years from the time of the diagnosis.

Mr. Kanabe: He fought for 10 years.

Mr. Wildman: He campaigned all over Ontario on behalf of the workers in Elliot Lake. There is tremendous commitment in Elliot Lake on the part of people like Gus who are ensuring they get the service.

Mr. Tatham: In other words, people do take part. The workers are knowledgeable. They take tests and do things to recognize it. In other words, self-examination sometimes can be helpful.

Mr. Wildman: Keep in mind you are working in an environment which, in itself, you know is dangerous to you. You know that by working there you have a very good chance of contracting a deadly disease, and it is a very difficult situation for most workers, or any individual, to be in, to know that, in a sense, you are trading your life for your livelihood.

Mr. Tatham: What is the percentage? You die of something, heart, lung or something goes and you are done. What is the differential between, say, hardrock miners and anybody else?

Mr. Carriere: I guess the Muller study would tell you what the risk of lung cancer in the uranium mine is. I am not sure. I think it is three to one or something. With the latest study that has come out of Inco, I understand now that there are some real disasters at Inco with some of these diseases. If you look at the Muller study on the gold miners, that tells you the same thing. It is an SMR--standardized mortality ratio--of 160 or something. It just stands out that there is no question about it.

Mr. Tatham: I have several foundries in my municipality and I just wonder about foundry workers as against--

Mr. Carriere: One of the problems with foundry workers is silicosis. I do not know of any other thing. You have to look at the Sudbury workers in the sintering plant. Everybody who works there knows he is in trouble. We report brothers who work there who are dying almost every week or every month of lung cancer. It is a disaster.

What I hope this committee will do is not to try and build some great facility so that we can have these cancer victims have the best thing. I think we have to get rid of these cancer systems. We do not need them. We have to try to clean the area that causes the disease. That is what we are here to try to tell you about and work on, that we have to clean those things.

I hope that we will not need a cancer society. I hope that we can clean it up so that people do not die of that damned disease. That is a dream, but that is the way it is. At least, we do not want to keep piling our brothers in there. When you talk about your mandate, I guess it is accidents in the mines. That is a very small tip of the iceberg if you compare that to all the people in the industry who die of their occupational problem, because there are a hell of a lot of them. We hope we can clean that up.

Mr. Chairman: This afternoon the committee is going to be discussing in camera, a closed-door session, the whole question of diseases and so forth, because we have not heard a lot about that to this point. When we go to Timmins, I think Homer Seguin, who of course you gentlemen would know, wants to make a presentation on that as well. We will be wrestling with that question about diseases and so forth this afternoon. We have not made a decision as a collective committee. Our terms of reference referred to hazards that cause accidents and fatalities. It does not exclude or include illness.

I think we had better call a halt. We have to be back here at two. One or two members have to leave early this afternoon to get back to their ridings, so it would be nice if we could start at two this afternoon.

As to how long we will sit, I would think it depends on how long Lorraine takes on the findings to date. You have the agenda there. Would you think an hour and a half finishing? Say we would try for about 3:30?

Mr. Kanabe, I would like to thank you very much. It really was a good morning and we are very pleased that we were able to make arrangements for you to come down, because we very much wanted to hear your presentation and have you answer our questions.

Mr. Kanabe: Do you need us this afternoon?

Mr. Chairman: No. Thank you very much.

The committee adjourned at 1:02 p.m.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

MINING SAFETY

MONDAY, APRIL 11, 1988

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Also taking part:

Haggerty, Ray (Niagara South L)

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Labour:

Pakalnis, Vic, Director, Mining Health and Safety Branch

Burrows, Tom, Inspector, Mining Health and Safety Branch

Conley, Russ, Inspector, Mining Health and Safety Branch

Regan, Ralph, Inspector, Mining Health and Safety Branch

Skogstad, Doug, Inspector, Mining Health and Safety Branch

Giasson, Gerry, Inspector, Mining Health and Safety Branch

From the Mining Legislative Review Committee:

Hess, Paul, Chairman

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday, April 11, 1988

The committee met at 3:41 p.m. in committee room 1.

MINING SAFETY
(continued)

Mr. Chairman: The resources development committee will come to order. There are a couple of other people to come, but in the mean time, I thought I would just bring the committee members up to date on what has been distributed.

You have in front of you two or three documents plus a couple of others that Lorraine Luski distributed. One is on the statistical tables, mining industry contractors. You would have got those in the last week, I think. The other is the Workers' Compensation Board statistical tables from the mining industry.

You will recall that in the case of the information we got from the WCB on the length of time that workers work at a place when they tended to get injured, those statistics were wrong. We were quoting, you may recall, that 52 per cent of all mining accidents, lost-time accidents, occurred when the worker had a year or less on the job. That statistic was not correct. The people at the Ontario Mining Association, I recall, were upset with that number and said they thought we were wrong, and even though we thought that was not likely, as a matter of fact, we were indeed, but to be fair, we got the numbers from the WCB.

Ms. Collins: What is the number? Do we have it?

Ms. Luski: Yes. A corrected table was distributed to all the members of the committee. Perhaps you will have it in a day or so.

Mr. Chairman: The clerk phoned the Tory whip's office and they said we should go ahead. I think perhaps we should do that, given the time and the fact that we want to hear from the Mining Legislation Review Committee, as well as the mining health and safety inspectors. I think we should go ahead. Any problems with that?

Mr. Haggerty: Do you want me to move over to the other seat and equalize it a little bit?

Mr. Chairman: If you feel more comfortable there, all right.

We have with us this afternoon Mr. Pakalnis, whom most of you know, from the Ministry of Labour and Paul Hess, whom many of you may not know, but who was actually--it is my term--I think, the architect of the Occupational Health and Safety Act back in 1978. He may not want to take credit for it, but I always understood he was the chief draftsman and architect of Bill 70.

Welcome to the committee, gentlemen. It is good to see you again, Mr. Hess.

Mr. Hess: Thank you, sir.

Mr. Chairman: How do you want to proceed?

Mr. Pakalnis: Mr. Chairman, perhaps I could have just a few moments to introduce Mr. Hess. As you mentioned, he had quite a substantial role in drafting the Occupational Health and Safety Act that we presently have. I should also mention that Mr. Hess is a Queen's counsel and is the former director of the legal services branch of the Ministry of Labour. Although Mr. Hess is not a miner nor has he a mining background, he has been instrumental over the years in drafting and amending major sections of the Occupational Health and Safety Act and the regulations for mines and mining plants.

The Mining Legislative Review Committee is most fortunate to have a chairman of the calibre of Mr. Hess, who has approximately 50 years of working experience in the private and public sectors and brings to the committee the legal expertise which is required for regulation development and amendments. The chairman of the mining legislative review committee is appointed by the Minister of Labour (Mr. Sorbara), as are members and alternates of the committee. The chairman of this bipartite committee is an impartial party who votes only in the instances of a tie and ensures that the debates take place in a co-operative environment with the objective of reaching consensus.

With that short introduction, I will turn it over to Mr. Hess and I will also be pleased to answer any questions at the end from the committee.

MINING LEGISLATIVE REVIEW COMMITTEE

Mr. Hess: Thank you. Mr. Chairman and members of the committee, I am happy to have accepted your invitation to appear before you today and provide you with some insight as to the workings of the Mining Legislative Review Committee, of which I have been chairman for the last three and a half years approximately.

The MLRC, which used to be known as the Mining Act Revision Committee, has been in existence since September 1975. It is an advisory committee to the Minister of Labour and was established by him under section 11 of the Occupational Health and Safety Act with the purpose of providing the minister with advice and counsel on an ongoing basis with respect to the legislation and the regulations relating to occupational health and occupational safety in the mines, mining plants, pits and quarries of this province.

It is bipartite in nature. The committee is equally represented by labour and management. Upon receipt of a recommendation regarding membership on the committee from the applicable management or labour group, the minister appoints by his order, not by order in council, four members and four alternates from each side, all of whom, both members and alternates, attend the closed meetings, which are held on the average of two to four times per year and usually last for a period of two days.

Depending on the issue being discussed by the committee, visitors and guests--that is, experts and so on--may attend by invitation only in support or nonsupport of issues and give their explanations. The members of the committee are the only parties with voting rights. As Mr. Pakalnis explained, the chairman votes only in the event of a tie. Senior management from the Ministry of Labour participate during the committee proceedings, but are not granted voting rights.

The chairman's exercise of his right to cast a tie-breaking vote requires careful consideration and it cannot be exercised in every case. Fortunately, however, the members of the committee make every endeavour to resolve their differences and arrive at a consensus, being well aware of their responsibilities to their constituencies and to the advancement of health and safety in the industry.

The steering committee of the MLRC consists of a senior member from the labour caucus, one from the management caucus and the director of the mining health and safety branch of the Ministry of Labour. The purpose of this steering committee is to review health and safety issues arising from fatalities, coroners' jury recommendations, accidents and near misses and, as well, to review recommendations made by labour, management and Ministry of Labour officials suggesting that the committee study various issues. The steering committee reviews all possible topics for discussion and prioritizes them for the purposes of agenda formulation. It is in the manner that issues are brought forth to the MLRC.

In addition to the steering committee, the committee has formed subcommittees in the past two years to study and report back to the committee on a number of complex issues that have been difficult to resolve and on which to reach consensus. Subcommittees are currently meeting to discuss hoisting standards, health effects of arsenopyrite, diesel exhaust measurements and electrical regulations. Although the existence of subcommittees may be perceived as slowing down the business of the MLRC, the subcommittees are necessary because mining issues tend to be technically complex, as I am sure you all understand.

Consensus, the principle by which the MLRC operates, is difficult to obtain in the best of circumstances and in dealing with a number of people in a bipartite situation. In addition, the nature of the legislative development process in government can be a lengthy one. In the case of the MLRC, when a suggestion is made by one of the parties to either draft a new regulation or amend an existing one, the mining health and safety branch of the Ministry of Labour formulates a draft proposal and brings it to the MLRC to study.

If agreement as to the intent and wording is reached, the proposal is then forwarded to the legal services branch of the Ministry of Labour and to the occupational health and safety division's legislative review committee to ensure consistency with other sector regulations. From there the proposal is returned to the MLRC. If it approves it, it goes to the legislative counsel to ensure that the wording is legally correct and that it has been drafted in standard government format.

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The MLRC then reviews it again before forwarding it to the minister for his consideration and his approval. From there it goes to the cabinet committee on regulations and then it proceeds in the standard way for obtaining government approval by way of order in council in order to become a regulation.

A perception exists amongst some that the regulations concerning health and safety in mines and mining plants are too general in their language and do not address what is or is not to be done in specific cases. This is referred to as regulation by specific standards. Such a regulation attempts to address each and every circumstance, factor and exception in such an approach and to set out what is to be done or not done, I add, in each case.

Another way of approaching the matter is to regulate the particular matter by setting forth what measure of performance is acceptable or is to be the objective. This is referred to as regulation by performance standards or objectives. This is a useful and practical solution where there are complex situations in which many factors or exceptions are present.

This brief summary of the Mining Legislative Review Committee is by no means comprehensive. Some of you may have questions regarding its structure and functioning, and I am prepared to accept your questions and to answer them if I can.

Mr. Chairman: Okay, Mr. Hess. Why are your meetings closed?

Mr. Hess: It is a private committee. There are some good reasons for that. We try to avoid speechmaking at this committee. That is one of the reasons they are closed. I think experience says that if you have an audience, you are going to speak to the audience and not to the issue on the table. It proceeds in a formal way through motion, seconding of the motion, debate and then the putting of the question as to affirmative or negative. If you threw it open to members of the public, I suggest you would find members of the public would also want to debate matters.

I find that the representatives on the committee, at least in my experience in the past years, are quite capable of voicing the opinions of the people they represent, whether it is labour or management. They do an excellent job of it. I do not think much would be gained by having members of the public there also to speak to those issues.

Mr. Chairman: What is the role of your committee when a report such as Stevenson's or Burkett's comes down and is tabled? Is there an immediate reaction on the part of the MLRC to look at those recommendations or do you await direction from some other body?

Mr. Hess: Generally speaking, it would be up to the steering committee to put it on the agenda. In that particular case, I remember there were four or five issues. I think Mr. Pakalnis could correct me on this. There were four or five issues that were recommended that required legislative action, as I recall, in the Stevenson committee.

Those were placed on the agenda. Subcommittees were struck by the committee to study each of them. They reported back and delivered written reports and there were oral discussions of those reports. I think it went back again to the subcommittee in certain respects for further clarification and further study and then came back again. I think within one year or a year and a half there were amendments to the regulations in regard to the recommendations made in that report.

Mr. Chairman: To be more specific, the steering committee decides what is on the agenda of your committee.

Mr. Hess: Yes.

Mr. Chairman: Could the Ministry of Labour? Mr. Pakalnis is not on your committee. Right?

Mr. Hess: No, he is not officially a member of the committee.

Mr. Chairman: You see him hovering in the environs occasionally, do you?

Mr. Hess: Oh, yes.

Mr. Chairman: I thought so.

Mr. Pakalnis: Mr. Chairman, I also chair the steering committee.

Mr. Chairman: You say you chair the steering committee, but you are not on the committee.

Mr. Pakalnis: Correct.

Mr. Chairman: I see. OK. We could learn something here. What is there to give direction to the committee? Let me give one example, an example that makes everybody uncomfortable, the bonus system. Because management and labour both like the bonus system, what happens if that is something that somebody thinks should be on the agenda but nobody on the committee thinks it should be? How does it get there or would it not?

Mr. Hess: I do not know how it got there, but it has been on the agenda for the last two or three meetings, as I well know.

Mr. Chairman: I was using this as an example.

Mr. Hess: It has been discussed and the studies that are known have been brought to the attention of the members of the committee. They have been circulated. As you have mentioned, neither management nor labour has expressed its willingness to abolish the bonus system or have it abolished.

Whether it could be done strictly speaking under safety legislation, that is the whole question. That has never been resolved, as I understand it.

Mr. Chairman: This question triggers in my mind because of the next group to come before the committee, the mining inspectors, of whom Mr. Pakalnis has some knowledge. What about problems with enforcement, writing of orders, all that kind of thing? Does stuff like that ever come before the committee?

Mr. Pakalnis: Not the administration of the act or regulations. The process in terms of setting the agenda for what is being considered by the bipartite committee is done, as Mr. Hess mentioned, by three people, the leader of the labour caucus and the leader of the management caucus that sit on the MLRC. The reason I chair that particular group is to ensure that the minister's wishes and the ministry's wishes are also somehow brought to the committee.

As far as issues of importance are concerned, it is merely the timing of when it is being presented, not whether it is going to be presented. We have discussed all the major issues relating to legislation development from hours of working alone: bonus and any contentious issue. The question on the administration of the act and regulations by our branch is not something that is in the terms of reference of the Mining Legislative Review Committee.

Mr. Chairman: Do we have those terms of reference? I have not seen them.

Mr. Pakalnis: We could make them available to you.

Mr. Hess: May I add an amendment to that. Any member or an alternate member of the committee at a meeting can propose that a matter be put on the agenda and it will be put on at the next meeting. That has been done on many occasions as well.

Mr. Chairman: Who are the two that meet with you as the chairman?

Mr. Hess: Norm Carriere and, until very recently, Paul Parker. Mr. Parker has been replaced by Warren Holmes.

Mr. Chairman: Is he from Inco as well?

Mr. Hess: No, he is from Falconbridge. He is the general manager of mining for Falconbridge.

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Mr. Chairman: Do any other members have questions? Lorraine, did you have any?

Ms. Luski: Yes. How does the Mining Legislative Review Committee interface with recommendations that might be made from coroners' juries?

Mr. Hess: Every member receives a copy of the coroners' juries' verdicts together with a report by the mining health and safety branch of its investigation not only into the accident or the fatality but also as to its answers to the recommendations of the coroner's jury. Every member gets that and every meeting has an item on coroners' juries' verdicts. Any one of the members can, at that point, bring up any of those recommendations and in many cases one finds that the mining health and safety branch itself, as a result of that, puts a proposal before the meeting for legislative consideration.

Do you want to add to that?

Mr. Pakalnis: Only to say that when we discuss the particular amendments that might be called for in the jury recommendations, we also review the circumstances of the accidents to give the committee a briefing in terms of the factors involved. It has been our practice, at least in the last four years now, to review any recommendation that relates to legislative change. In that case, we make a decision in terms of either preparing it ourselves--the amendment that might be considered--or, in fact, recommending that we have already got it covered by some regulation and that it would not be appropriate to duplicate it. So, one way or the other, the Mining Legislative Review Committee sees all of the recommendations and deals with any specific ones that require an amendment to the regulation.

Mr. Brown: I am interested in the bipartite nature of this committee and you talk about ties and how they are solved. I am wondering if there are many ties and whether you end up really building a consensus. I think one of the things that we are learning out here is that this needs to be depoliticized as far as an issue, that health and safety probably is not a political issue and should not be. I am interested in how those ties are resolved, if there are many and exactly how that works.

Mr. Hess: I am very happy to say there are very few ties. There are some, I will admit. I find them very difficult to deal with, as you can

imagine, and I generally take a position that I am neutral in this and if I think there is going to be a consensus, I would certainly not want to spoil that opportunity of the parties developing, through their own agreement, something they will both be happy to live with. It is a sort of a delicate thing to try. It is more like a sense that you should keep your nose out of this one.

I think on one occasion I did break a tie--no, two or three occasions, I guess. Ever since, I have been a little uneasy about it because a couple of years later one finds that it has caused some real problems that were not considered, at least by myself, at that time, so I have been very shy of breaking ties.

Certainly, I cannot speak too highly of this group. They are not there to make political points, in any way, shape or form. Their foremost and fundamental approach is health and safety, on both sides. It is just a question of trying to find the way of accomplishing it that is acceptable to both parties, as I see it.

Mind you, I could have said in my opening remarks that I think this is an unusual committee. I know of no other one that deals with these sorts of issues, certainly not in the Ministry of Labour, that is an ongoing, continuing committee.

Mr. Pakalnis: Just to elaborate on that, just very recently there has been established a bipartite committee that deals with toxic substances. It is being chaired by Tim Millard, the assistant deputy minister, and the other members are essentially drawn from labour and management, with equal membership. It will be working in a very similar fashion. As I said, this has just been established, and hopefully it will have as much success as the mining group has had.

Mr. Chairman: Who is on that committee? Is this for designated substances?

Mr. Pakalnis: Correct. This is for toxic substances generally, including designated substances. There is Linda Jolley, Norm Carriere and Bruce Campbell, representing the Ontario Mining Association.

Mr. Chairman: This is not a subcommittee of the Mining Legislative Review Committee then.

Mr. Pakalnis: No, this is province-wide, and we can give you a list of the membership. It is meant to gather some consensus in terms of how we deal with health issues in the province, and it is a bipartite committee that essentially represents all major industry groups and all major labour groups.

Mr. Brown: My second question has to do more with how the flow from the mining inspectors would come up to that committee. It seems to me that the people who enforce these regulations every day are the ones who would note wording, for example, that would be difficult to relate to the workplace and how what is happening in the field gets up to this committee in terms of having to rewrite regulations for the sake of clarity, relevance or whatever.

Mr. Pakalnis: If I understand your question, it is on whether we have a mechanism within our branch in terms of feeding that up to the Mining Legislative Review Committee. We had established a couple of years ago a branch legislative review committee that was attempting to do that, but

essentially the process has not been as successful as we would have liked. Perhaps it is one area for improvement.

Mr. Brown: I see some smiles behind you.

Mr. Pakalnis: Correct. It is perhaps one area that we can improve on, because we should be using the advice of our own people, as well.

Mr. Chairman: I was going to ask about the designated substances, as a matter of fact, whether your committee would deal with that in terms of legislation. You must deal with regulations as well as legislation, as well as changing the act itself.

Mr. Hess: It is mainly regulations, yes.

Mr. Chairman: But you would not deal with designated substances.

Mr. Hess: No--actually yes, radon daughters and arsenic. As a matter of fact, there are proposals before the MLRC right now in relation to those two matters.

Mr. Chairman: That is what I was trying to get at. In principle, does your committee deal with health issues such as designated substances and things that can lead to diseases?

Mr. Hess: Yes, we do.

Mr. Chairman: You sound rather hesitant.

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Mr. Pakalnis: They deal with them, but only when they are mining-specific. In other words, arsenic, arsenopyrite, in underground mines would be specific to our industry, specific to our sector. The same with radon daughters in nonuranium mines, for instance. Now, when it applies to all the province, in other words, across sectors, the Mining Legislative Review Committee would not deal with it. It would be this other committee that I mentioned, the bipartite committee that has just been established, that will deal with that.

The health hazards or toxic substances that are specific to the industry would be dealt with by the Mining Legislative Review Committee.

Mr. Chairman: One of the things the committee heard as we travelled was that people did not want the act any more complex or thicker than it is now. How do you deal with that on a committee where you are reviewing legislation and perhaps are tempted to make it thicker?

Mr. Hess: I think there are always new things happening. What you are mainly doing, perhaps, is replacing some sections with others, so you are not really adding that much significantly to it, as I see it. I suppose it is part of life that these things sort of keep growing a little bit more all the time.

Mr. Chairman: Yes, I know. We had people saying to us that putting this act in the workplace does not have very much to do with the workers' or management's understanding of it. Has there been an attempt by your committee to make an act that is more readable and more of a layman's act than a lawyer's act?

Mr. Pakalnis: Are you dealing with the act itself?

Mr. Chairman: Right.

Mr. Pakalnis: It is a document of Parliament.

Mr. Chairman: I understand that, but I mean in terms of getting something in the workplace that is more readable. We have seen your guide, the Guide to the Occupational Health and Safety Act, which we think is good, but it is really a fairly skeletal kind of outline.

Mr. Hess: It would require, I think, the writing of bulletins or guides for different topics. Hoisting, for example, is one. The other topic would be explosives. You could deal with it in that way, under topics. The guides could be written on that.

Mr. Pakalnis: If you are thinking of explanatory notes, we do have other documents that are explanatory notes. This is meant to be what the regulations and act say. In the past couple of years we have made major improvements in terms of making it more user-friendly with border notes, better indexes and all this sort of thing. I think both labour and industry would say it is a step forward in terms of making it more user-friendly.

One of the suggestions that somebody has brought out is that perhaps some of the very technical regulations, for instance, on hoisting, could be taken out and placed in a code of practice or a Canadian Standards Association code. The CSA codes, for instance, that we reference in electrical and other areas could be similarly referenced for hoisting. That would decrease the size of it.

Unfortunately, other than making guides available on specific subject areas, it would be difficult to make this less complicated than it is, because it still is being used for legal purposes as well as for a guide for workplace hazards.

Mr. Chairman: I was not trying to put down the legal profession, because I know Mr. Hess still has his QC, I heard you say.

Mr. Hess: Correct.

Mr. Chairman: I would not put that in jeopardy. He still has it, apparently.

Are there any other questions of Mr. Pakalnis or Mr. Hess? If not, thank you very much for appearing before the committee.

The next presentation is by the people on the front line, the inspectors from the mining health and safety branch. Mr. Pakalnis, I assume you are going to introduce your cohorts?

MINING HEALTH AND SAFETY BRANCH

Mr. Pakalnis: Perhaps I will just refresh the members of the committee in terms of the inspectors I have with me today. As you recall, on February 24, in Sudbury, the inspectors of the mining health and safety branch appeared before this committee at your request to provide insight into the role of the inspectorate of the branch and to discuss the various health and safety issues of concern to them and to answer your questions.

Without further ado, I would like to reintroduce the following inspectors: Gerry Giasson, the working environment inspector from Sudbury; Doug Skogstad, electrical-mechanical inspector from Thunder Bay; to my right, Ralph Regan, working environment inspector from Elliot Lake; Russ Conley, to my far left, who is an electrical-mechanical inspector from Timmins; and to my immediate left is Tom Burrows, mine safety inspector from southern Ontario. They are ready to respond to any further questions the committee might have.

Mr. Chairman: OK. I think it was the understanding when we had to pack it in in Sudbury that there might be more questions. I had one, certainly, and it has to do with the whole question of writing orders. When a mining inspector goes into the workplace, sees something that he--I guess it is all "he," is it?

Mr. Pakalnis: So far.

Mr. Chairman: So he sees that something is wrong and he writes an order. Where does that order go after it is written, and what is the normal length of time and process that it goes through?

Mr. Pakalnis: Tom, if you would.

Mr. Burrows: When you see a violation and you write the order, initially you express your order orally and, depending on the circumstances, if there is a hazard to the health and safety of workers, you will in many cases stop the job, tag out equipment or isolate an area and tell them to get it fixed. Prior to leaving the operation, you write it down and you give it to the employer. Basically, that is it. I do not know what else you want.

Mr. Chairman: There was a fatality at the Quirke mine recently at Elliot Lake. Mr. McKay was killed when he fell down a shaft. As I recall, the machine he was on went with him, did it not? I think that is what happened.

I think members might want to see this. It has been distributed: "Recent Fatality - Mining Industry." Do the members have that? Perhaps I could just read briefly:

"Mr. McKay was the leader of a five-man crew who were in the process of preparation for a lip liner change in the measuring pocket. The measuring pocket door, latch arms and cylinder had previously been removed that morning by the crew and had been sent to surface in two trips to be exchanged for new or rebuilt units." Presumably, that was to stop somebody from going over to the edge, but correct me if I am wrong on the technical stuff, because I do not know it.

"After hoisting the second load, preparation to remove the lip liner was initiated. This was a convenient time to do so as the door had been removed. Before the skip was respotted at the lip of the discharge chute of the measuring pocket, Mr. McKay stepped out on to a hinged flipdown platform which is available to perform work in this area. Safety lanyards and hookups were readily available and accessible, and job procedures in this area indicate that spotting the skip is an integral part of the job as a safety precaution. All required lockouts were in place.

"It does not appear a safety lanyard was used," which is a tie line, is it not, to the worker? "The reason for the fall has not been determined, but Mr. McKay was witnessed sliding down the chute and into the number one skip compartment. Immediate rescue response was initiated. Mr. McKay was found at the bottom of the spill cross cut on a muck pile. He was still alive and transported to the hospital, where he passed away shortly thereafter."

Underneath that it says, "Ministry action." The date of that, by the way, was March 26. There was a bunch of interim orders written up that day, as I recall, according to the report from the health and safety branch.

Interim orders were written up, and then on March 27, the following day, there was further investigation. On March 30, there was further investigation and additional orders were written up. There is a whole bunch of them. I guess I do not understand the system well enough to know why all those interim orders would be written.

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Mr. Burrows: I think you should not worry about the word "interim." They are orders. Basically, that first group of orders is just to freeze the scene and stop working in that area, and for the company to submit a report and the details of the report. Four of them are related to different sections of the act and one of them deals with the regulation that spells out what is required in the report.

The follow-up one on March 30 deals with--I was not involved in that investigation--some of the problems they have seen there. There is a regulation under subsection 13(1) that deals with the fall-arrest system to be worn. In the act, there is section 17, "duties of workers." There are a number of things with "duties of supervisors, "additional duties of supervisors" and "duties of employers." Basically, that is a normal course of events when you have a serious or critical injury.

Then there are the following ones; there are a lot of orders issued there.

Mr. Pakalnis: This is a continuing investigation. I guess I now know how the committee got the report. This is an internal document that essentially should not have been released at this point. It is a subject of an inquest that will be coming up and also an internal Ministry of Labour investigation.

Mr. Chairman: I see. Mrs. Marland, you had a question.

Mrs. Marland: In the light of those comments, I will be careful how I ask my questions respecting the system of a coroner's inquest.

If an accident like this were to take place, from your description it sounds as though the interim orders would be routine--just reading them, it would seem to me the interim orders are probably routine--but is it normal to have two, four, six--about 18 additional orders? Is it normal that this many additional orders would be written as a result of any accident, or are these not additional orders but in fact standing orders that are re-emphasized?

Mr. Burrows: A lot of the orders that are written here are requirements under the act.

Mrs. Marland: Right; I see that. That is the reference on the side column, is it?

Mr. Burrows: Yes. You would have to really ask the person who wrote them. The freezing of the scene and the requesting of the report and all that are the normal course of events.

Mr. Chairman: It is my fault that I raised this. It was wrong; I probably should not have raised this in the committee.

Mrs. Marland: OK.

Mr. Chairman: I am the culprit.

Mrs. Marland: Would you rather we just left it for the time being, Mr. Chairman?

Mr. Chairman: I think it is probably best that we leave this specific one behind us.

Mrs. Marland: I was trying to get away from the specifics. In the case of an accident then, it is obvious there would be interim orders that are slapped right on at the time in order to deal with it, the same as an investigation of any accident anywhere. I am sure automobile accidents have a routine procedure with the investigating crew on the site right away.

To ask it a little differently then, following that initial response in terms of orders after an accident, are you then asking that the company sit down with everybody in that mine and go over the standing orders of the act to remind everybody, refresh everybody that if the existing act had been complied with, perhaps an accident could have been avoided? Is that a routine procedure?

Mr. Burrows: Normally, what one does on anything, whether it is just a minor accident, a complaint investigation or a serious accident, where the inspector finds an infraction, he will write an order, or where the inspector requires something to be done, he will write an order. That is the normal course of events.

The interim part of that really would be the verbal order. That is about as far as you can go with the interim. The inspector would write the required orders to get things done. When it is determined what the cause of the situation is, if there is a specific regulation, then you would write an order under the regulation. It would depend on the circumstances when that would take place. You could not really do it until you had completed your investigation.

Mrs. Marland: No, you could not do specific orders until the investigation is complete; I understand that. But is there an automatic refresher of the required mining practices for everyone following an accident, or does everybody automatically know, "Gad, I guess I had better be careful with this operation, because I have been doing something not exactly according to the book and I guess I had better tighten up," or is there a request from the management and the inspection branch that the men are sat down with following an accident like that, or any accident?

Mr. Burrows: Nothing cut and dried. If the inspector feels that workers have to be cautioned again about one specific regulation, then he will write that; that management go over the specific regulation with a group of workers or whatever. It depends on the circumstances whether it is going to be required or not.

Mr. Chairman: May I suggest to members of the committee that, although the document has been distributed to the members of the committee, we keep it that way; that it just be kept to members of the committee and that it not be released or said anywhere else? It is not fair, with an issue such as this in particular.

Mrs. Marland: Maybe it would be even better if we returned them to the clerk.

Mr. Chairman: Sure.

Mr. Marland: If I can just pursue this perhaps, Mr. Chairman, where you had started about the compliance with orders and the writing of orders in general, how long is a company given to comply with an order? Does it depend on the type of order how much time they are given? How many times will an inspector rewrite a similar order so that it is finally enforced? What happens if you keep writing an order and you find nothing changes?

Mr. Burrows: The ministry's policy is that you do not write the same order twice.

Mrs. Marland: More than once?

Mr. Burrows: You do not write it more than once.

Mrs. Marland: Right.

Mr. Burrows: Normally, as I explained before, if you come across a situation and there is a hazard to the health and safety of workers, then you stop work at the door. If it is a violation of a regulation that really has no immediate effect on the health and safety of workers, in listening to the worker representative and the management representative, we might set a time for that order to be complied with.

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If the toe-boards on a work-staging or a walkway are only three inches instead of four inches, you might say, "Look, in your maintenance program get those all fixed up in the next two months or so," and that kind of thing. You put a time limit on that and request a report from the company on those kinds of things. But where the health and safety of workers is involved, you write the order and you stop the job. That is the best way of doing it.

Mr. Pakalnis: Just to elaborate, I could turn it over to Russ Conley for just a second. Perhaps he could describe this. Other than orders, there is also something called the assessment report, which also documents the hazards and facts in the case.

Mr. Conley: Yes. We issue orders and discuss them with the management representative and the health and safety committee representative for the workers and set time limits that are reasonable. What we have in addition to that is an assessment report that we write up when we get back to the office. If we have a particular message we want to get across to the people at a site, we will include in the assessment report what we actually saw there and what we feel is required to get the people thinking safety, or whatever, at the site. We send a copy of that to the site to be posted so that all the workers can read the report.

Mrs. Marland: I remember one mine that we were at where we were told by the union people that they were sorry that so-and-so inspector was no longer there.

Mr. Chairman: What was that--

Mrs. Marland: I was not going to mention it.

Mr. Chairman: I thought you had forgotten.

Mrs. Marland: No. I said I remember one mine.

Mr. Chairman: Oh.

Mrs. Marland: Now that you have mentioned it, it makes my question difficult.

Mr. Chairman: Sorry.

Mrs. Marland: If the supervisors of the inspectors--and maybe I am using the wrong title, but the person to whom the inspectors report within the branch--sense that an inspector may be becoming too sympathetic to the worker and that maybe it is not an objective inspection any longer, either on the worker's part or the management side--it could go either way--how is that assessed when that inspector really is doing an excellent job? Is it ever assessed that there is a difficulty there?

Mr. Pakalnis: Does anybody want to--

Mr. Regan: I will jump right in there.

Interjection: We all do excellent jobs.

Mr. Pakalnis: Do you want to start?

Mr. Skogstad: In our area of Thunder Bay, we do not have any problems like that. All our reports are reviewed by what is called our area engineer. He has to review all our reports and he initials every report before it is sent down to Toronto. Then it goes into Mr. Pakalnis's office. There is a chief engineer of operations who reviews the reports too. Sometimes we do get comments back on how we should have maybe reworded an order to make it more effective or to make it more concise, but that is about the extent of feedback we get.

Mrs. Marland: Are inspectors ever moved around because it is perceived that they are becoming too sympathetic to the worker or too sympathetic to mine management?

Mr. Skogstad: Once again, I can only talk about my area of Thunder Bay. We have almost two of every type of inspector. I am an electrical mechanical inspector and I have another fellow who does the same job as I do. Because our district is so vast, what we have done is split it in half. I have covered one area and he has covered the other area and, approximately two years ago, we switched districts.

It takes getting used to, but I have heard comments back from some of the union people that the reason the switch occurred was because so-and-so inspector was being too lax or such-and-such an inspector was too strict in one area and was going strictly by the regulations with no leeway. As far as I am concerned, it was strictly an internal decision to switch the inspectors.

Mr. Pakalnis: We do have a policy within the branch of trying to rotate people in terms of their districts for whatever reason. There are many reasons it could be done, but it is healthy in terms of giving people some

different exposures to different operations. Also, not necessarily to take away anything from the relationships that a particular inspector might establish, frankly, it is healthier for the organization to have a certain amount of mobility within the area.

That way there is more consistency perhaps in the type of enforcement that we have, and also the clients do not get perhaps as--I will not say comfortable, but something to that effect. Essentially, it is good organizationally to switch the inspectors in various areas. We try to do it with a certain amount of discretion, but on a routine that is certainly not against what we do.

Mrs. Marland: How does the branch allocate inspectors in terms of the number of visits it is feasible for them to make to one operation? Obviously, there are some mines that are notoriously better operations than others. Management is more particular and it is a whole cleaner operation. It may not necessarily be a smaller operation; it may be a larger one. How does the branch decide that the inspector's time can be allocated and that you have enough inspectors to do the job properly without just going on a history basis of the number of orders issued in the past?

Mr. Pakalnis: Perhaps I could turn it over to Gerry to describe workload and how it is managed in the Sudbury area.

Mr. Giasson: Basically, what happens is that the inspector himself has a program of inspections he would like to carry out in a fiscal year, for instance, three inspections a week. In many cases he will try to leave probably a Friday or a Monday open for correspondence back at the office. However, when you get complaints, when you get accidents or when you get the ongoing paperwork we all have to do, the three inspections will drop down to two or possibly even one.

In the Sudbury area, what we have probably seen in the last couple of years is that has been a case where because of complaints--and we have had a number of fatalities in the Sudbury area in the last year--the actual routine inspection part of it has got somewhat less.

Mrs. Marland: That is what I was leading to. Where you have a series of problems or accidents--and accidents are accidents; I recognize that--it must necessitate a tremendous amount of investigative time. I wondered then whether the routine work is supplemented by other inspectors, another infusion of extra staff into an area to help or whether, if that does not happen, the reduction of inspection in itself is a risk to the operation.

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Mr. Giasson: Again, looking at probably the last couple of years, I recall that in Sudbury, one individual inspector was away and I think we called one inspector in from another area to pick up some of the extra inspections that were required in the mining areas. Generally speaking, the areas have been performing with the workforce they have in each specific area.

We have not really, I do not think, looked at moving people around throughout the various areas to pick up the workload. If one area has a large number of accidents, such as Thunder Bay, that does not necessarily mean we are going to pull out of Sudbury. If we do that, what is going to happen in Sudbury? So we have not really done a lot of that.

Mrs. Marland: With all the report writing and phone calls and all that kind of stuff that has to be done outside of the physical inspection in the mine, how many hours on an average does an inspector work in a week?

Mr. Giasson: Again, it is going to vary from area to area because of the travel time you have. I would say in the Sudbury area, probably my work week would not be much more than 40 hours, depending on whether there is an accident. I recall putting in 50 and 60 hours extra because of a fatality. We do not have long travelling distances. However, inspectors in the Thunder Bay, southern Ontario and Timmins areas would probably tell you something different.

Mrs. Marland: Are the inspectors paid the same no matter where they work?

Mr. Giasson: Yes, they are.

Mrs. Marland: Do the inspectors earn more than the miners?

Mr. Giasson: No.

Mrs. Marland: I wondered. I did not think so.

Mr. Burrows: In southern Ontario, our guys have geographical areas they are responsible for, each of the inspectors. My area goes up to Parry Sound and across just south of Callander, down south on Highway 11, west of Highway 11 and west of Highway 400 over into the Orangeville area and down into Hamilton and that kind of area. Then I have two salt mines in Windsor and Goderich now which I have acquired.

Mrs. Marland: That is a lot of travelling.

Mr. Burrows: Yes. The other thing is the hours of work. In the wintertime, you might work a normal period of time. In the summertime, because of the pits and quarries that are basically down here, you try to work the hours that the people are working. You might be out at seven o'clock in the morning and run until seven o'clock at night or something like that, depending on the situation. They generously give us some time off in lieu of the hours we work.

Basically, the people who become inspectors realize that you have a job to do. What you are concerned about is the health and safety of workers. The act basically gives workers the opportunity to have a voice in the workplace.

Our primary concern in southern Ontario, where you run into a lot of activity in one particular area, is that when people raise concerns or complaints, the policy of the ministry is that we respond to them. You might find that you are not going back to investigate accidents or do normal inspections, but are responding to complaints and concerns. Workers have gone away to Chaffeys Locks, the union has spent money training them about the accident regulations, and when they come back to the workplace, many times they know more about the accident regulations than the employer. They want to have those things enforced and you respond to those things. We are required to do that.

It is the same with work refusals. Then we have the accident investigations and normal inspections. We have a performance review business we go through. We sit down with our supervisor and he tells me, for example, that he expects me to be at each one of the salt mines--I think the committee

has been through those places--14 times a year. That is my performance review. I do not think I am going to make it 14 times a year, but we are going to do the best we can. They are pretty good operations.

Mr. Chairman: I wondered how many places there are to be inspected in the province for the 26 inspectors and what that works out to. I do not know how you get around to them all. I am thinking of northern Ontario, where there is a lot of exploration and development going on, according to some people's views, because of the flow-through shares principle that Mr. Brown talked about.

Mr. Brown: I have heard that, yes.

Mr. Chairman: I am wondering how you get around to all those places on any kind of regular basis. I do not know how you can possibly do it.

Mr. Pakalnis: I do not have the exact figure in the report, but there are a lot of workplaces in this province that have to be covered. Essentially, we deal with the highest-risk operations first. We ensure that the larger operations where there is higher risk are handled on a more routine basis, and then after that we try to target the other ones for adequate coverage. It is a balance in terms of the resources you have with the operations you have.

Mr. Chairman: What about the inaccessible places where they are diamond-drilling and sinking a new shaft and all that kind of thing? It must be a problem in the north.

Mr. Pakalnis: It is a problem in terms of getting to all those places, and first of all, finding them physically. Sometimes they are rather remote. Some of them are, in fact, fly-in only. Unless the accident rates are significantly higher or we receive some complaint, we do not necessarily get all of them on our routine inspections. That remains a problem.

We are looking at strategies where we would use other indicators to help us determine where we should be going in, and targeting those particular operations. Still, we have a large province to cover and a small number of people to do it.

I would say that in terms of the number of inspectors we have, the proportion of inspectors to workers is far better in our sector than in, say, the industrial sector, which compares the 50,000 workers we have to the 3.5 million workers it has. Nevertheless, it is a balance in terms of the resources you have with what you can do in terms of routine inspections.

The whole purpose, though, behind the way the act and the regulations are written in terms of health and safety committees, in terms of all the checks and balances, is essentially to allow for the fact that the workers, supervisors and employers in place comply voluntarily and co-operatively with the regulations and the act, without necessarily having us go in there every day.

Mr. Chairman: I wonder if I could ask a question of the inspectors who are on the job every day about how they react to some of the ads they see on television, for example, put out by the Mines Accident Prevention Association of Ontario. I hope I am not putting them in an uncomfortable position, but there has been a lot of criticism over the MAPAO ads. Some of the members of the committee have even expressed concern about some of those

ads. I wonder how it strikes inspectors who are there on the job every day. What degree of relevance do they attach to those ads and to accident prevention? Is there any relationship?

Mr. Skogstad: In the area I cover, the ads on TV do not appear, because the TV service is from Manitoba. So a lot of the mining communities never see these.

Mr. Miclash: That is why I have never seen one.

Mr. Regan: I have just one comment on one in particular, the one about someone pounding on something and a piece flying up into the person's eye. I think that is a great one. I have heard positive comment on that one. I probably have not even seen some of the others.

1650

Mr. Conley: I think they go a little bit too far to get peoples' attention. This is a personal feeling: that if they put a written message to people, a reminder, it would be a lot more effective, but this is only my own opinion. I think right away they make it so gory that people think, "Oh, gee, that does not really happen. It does not happen to me. I have never seen it happen." They go a little too far with it.

Mr. Chairman: Is there any link at all between the Mines Accident Prevention Association of Ontario and the inspectorate?

Mr. Burrows: No, not really. I just want to make a comment about the MAPAO and the function it does. The idea of getting safety messages across to the workers is the right way to go; that is the proper function of the MAPAO. But maybe their problem is not the type of ads they are running but that they are not consulting probably the other half of the parties in the workplace. That is something they should really address, and there should be some more input. They also participate in the hazard alert things that our branch puts out. As well, the aggregate association is contemplating doing the same thing.

I do not know how well any of those kind of messages that can get out into the workplace are received on the TV, but I think the parties in the workplace should really be concerned about them. I know that we have put a number of things out into the workplace. I not know if we, the ministry, do anything on TV. We concentrate on the workplace. I think that is probably where the MAPAO would be more successful, something that is relevant to what is happening in the workplace.

Mr. Haggerty: I was interested in some of the comments. I am looking at the summary of Ontario mine contractors' fatalities and going down the list. One of you has made a comment that, hopefully, the industry and the employees will adhere to the safety regulations, but if you look at that document there, you can go down the list and it says "standard job procedure not followed." You can go all the way through it. "Improper procedure given to the contractor". The message is not getting out to the industry that there are certain things that must be followed.

You talk about the Industrial Accident Prevention Association. I think of a quarry in my area that had a number of accidents--it was a Portland quarry--a number of years ago. To reduce the number of accidents there, they came up with a safety program. They were given special awards every year--a gold watch--in a sense to say, "You have done a good job." About 50 employees

would get that and a dinner to go along with it. The message got through that way very, very clearly.

Apparently, by looking at that document, the message is not getting through there. I see Mr. Reid, my former colleague, sitting back there. I remember back in 1970, when the amendments to the Mining Act were moved at that time, I was perhaps an instigator to move an amendment to the Mining Act to say that there would be safety committees of equal number between management and labour, and eventually it came about. But I still see the accidents have not been reduced that much.

The point you raised there was that someone mentioned that maybe extra inspectors are necessary. There is an indication that there is inadequate inspection being done in the mining sector and in the aggregate sector in Ontario. I relate to an incident that has been brought to my attention. It is a simple thing, but nothing had ever been done in this particular area. There was a fatality in the London area in the aggregate industry because of the use of a jogging switch, for example, and Ms. Collins, you take note of this, please.

I have worked in the industrial sector before and I know the hazard that is involved with what they call the jogging switch, where a person will stand there and have somebody else down the line to give the instruction to somebody at the main switch control. There is no such a thing as a walkout with a jogging switch. In this one instance, the person got the signals crossed up, and as the worker was going in to replace the liners in a crusher, the machine started up and that was the end of the worker.

In an industrial accident case, the same thing happened at Page-Hersey. To start up the pipe mill there, they use a jogging switch. A person will stand there and you have to jog it to get everything lined up. Instead of the jogging switch, someone pushed or took his hand off it--I guess it was a jogging switch there, but it was live--someone hit the whole mill switch. It started up. There has been not just one employee maimed or injured there, but there have been about three or four on the same machine. Nothing was done until finally someone lost a leg and inspectors came in from the Ministry of Labour and action was taken about the jogging switches.

I think in the mining sector, where they use conveyor belts and so on, procedures are that if you have a breakdown there, to get things lined up, you have to jog it. But someplace along the line you are going to have to have a safety device so that someone does not push the switch and then everything starts up. You can go through that whole list where working procedures have not been followed. Someplace along the line someone is responsible, and the responsibility lies with the Ministry of Labour, perhaps through the lack of inspections there. It is the same thing, surely, as you travel the Queen Elizabeth Way: as soon as you see that black and white car out there, everybody slows up. If you have the inspectors on the job there, you are going to see that the workers will pay more attention and that management will too, because they know you are coming in to make the inspection. Really, when you look at the number of the fatalities there, someplace along the line somebody has failed in this area.

Mr. Burrows: You are absolutely right and we need probably more inspectors. We are probably the only guys in the branch who, when we go on vacation, when we come back the work has just piled up. If you talk about ratios between industrial and the construction and all that, that is good and I guess those are the facts and somebody says we are going to spend so much

money or whatever we are going to do, who makes the determination of how many guys there are going to be like us out there.

Mr. Haggerty: It is like that ad on television to get you to buy a Fram filter. It says, "You can pay me now or pay later." What is happening here through the lack of proper inspection--I should not say lack of proper inspection, but lack of inspectors in Ontario--it is costing the industry and the government an enormous amount of money in paying out claims awards. My own personal view is that--and it will not be the first time I stress this--there should be more inspectors out in the field to cover these areas.

Mr. Conley: To refer to our papers that we gave in Sudbury, you will find that most of them stated we are short of inspectors and we do need more inspectors. As to the incident you are talking about in the London area, I am familiar with that, and it was not a jogging switch. They were using a switch to start the stop button--

Mr. Haggerty: But they were jogging the machine to get it to go around in a certain position. That is what I am talking about. They were using this type of a method out there. They should have a jogging switch there that will only run a certain few seconds or something like that, then automatically stop. But they do not lock out the main switch. I have been aware of these two incidents and I am concerned about it. In my experience in the work field, I have done it myself in the past as a lead hand or a millwright, where you take those chances there because someplace along the line industry will not put in the proper switches.

Mr. Burrows: I just want to respond to that. The inspectors do not find any joy in investigating a fatality or a critical injury or any one of those things. We would rather spend our time out there auditing, inspecting and that kind of thing, doing the inspection job and the guidance to the employer and to the employees. That is where the joy in this job comes from. There is no joy going out there and dealing with a fatality or a critical injury or some guy has lost his arm on a conveyor system. I think we would like to do that, but we spend a lot of time doing a lot of other things.

1700

Mr. Miller: Are you short an inspector? Were you overworked? Is that what you are indicating?

Mr. Burrows: Yes.

Mr. Miller: How many are there?

Mr. Burrows: There are 26 field inspectors right now. I think the branch is at 90 or something like that; I am not too sure. We have fewer inspectors now than we had a year ago.

Mr. Pakalnis: We have approximately 94 at present within the branch. This just includes the mining health and safety branch, which is from the inspector to the director, support staff, the managers, the technical specialists and the district engineers, who also perform duties under the act. The total complement is 94.

Mr. Chairman: Of whom 26 are inspectors?

Mr. Pakalnis: Of whom 26 are inspectors, correct; 26 are field

inspectorate. You should know that everyone from the director, the district engineers, the area engineers, the chief engineers to the specialists all have powers under the act as inspectors and perform duties from time to time, but the routine inspection is done in the field--going through the work sites, issuing orders and that sort of thing--by the 26 inspectors, yes.

Mr. Chairman: Would that ratio of management and support staff to inspectors be similar to the construction health and safety branch and the industrial?

Mr. Pakalnis: No, it would not. The number of professional engineers within the mining branch is approximately equal to the number--I think we have somewhere around 26 district engineers to our 26 inspectors.

If you recall, previous to coming to the Ministry of Labour, when the branch was with the Ministry of Natural Resources, the entire branch was composed of professional engineers. In other words, the inspectorate was all professional engineers. In some jurisdictions that still applies. However, in 1975 or 1976, I guess, we decided that it would be useful to have a mixture.

Mr. Chairman: There were a lot of complaints about that, as I recall.

Mr. Pakalnis: For whatever reasons, we decided there should be a mixture of professional engineers of varying expertise: an electrical mechanical working environment, mining and also people with trades qualifications, electricians, mechanics, people with qualifications in the working environment. That mix is what we have currently.

The other two branches do not have as high a percentage of technical specialists within their branch.

Mr. Chairman: But these technical specialists primarily perform a management role, do they not, as opposed to an inspecting role?

Mr. Pakalnis: No. Actually, in terms of the management role, that would be limited to the director, three chief engineers and the five area engineers. The rest of the engineers would be doing work in the field, doing technical assessments of hoisting plants, doing the predevelopment review requirements under the act and regulations, investigations of a technical nature--ground control, rockbursting, that sort of thing--a variety of work that is related to the field.

That again is because of the technical complexity of the industry we are dealing with.

Mr. Miller: Would all your inspectors have experience underground? Have all of you here worked underground?

Mr. Pakalnis: All of them have.

Mr. Miller: Is it one of the requirements of all the inspectors that they have some working experience?

Mr. Pakalnis: Yes, it is.

Mr. Miller: How many inspectors did you have last year? We get criticized for taking on new employees, for the expenditure of money.

Mr. Wildman: Not from me, though.

Mr. Miller: Not from you? OK.

Mr. Burrows: Last year we had 27 inspectors.

Mr. Wildman: You have one fewer this year.

Mr. Burrows: Yes, but the interesting point about it is that we have had a turnover of 80 per cent in 10 years.

Mr. Miller: Eighty per cent in 10 years?

Mr. Burrows: Yes.

Mr. Pakalnis: I should be quick to add that we are recruiting for three others and they will be joining us in the very near future.

Mr. Chairman: All members of this committee have had underground experience, including Mrs. Marland. She will be the first--

Mr. Wildman: I did not know you were looking for a job.

Mrs. Marland: Only some of us are equipped.

Mr. Chairman: The first female inspector right over here. Get her out of here.

Mr. Brown: She has worked underground quite a bit lately.

I want to come back to the point I was making before, at least back to regulations. I believe in Sudbury we talked about this a little bit. You mentioned that the regulations are sometimes difficult to interpret, and you are obviously on the spot in places where management believes it should be interpreted one way and the union may think it should be interpreted another way.

I am wondering what kinds of steps you take to make sure there is consistency with the interpretation. In law, there would be case studies or whatever. Do you have some process where you make everyone aware of how you are looking at a particular regulation so that a particular inspector is not put in a very awkward position, ending up ruling in an opposite way to general policy or whatever?

Mr. Regan: Yes. Just last week we met with all management in our properties up north, for example, and they had basically the same questions. What we agreed to do was take our information books that we have, and they are in conjunction with the regulations, and we allowed them to copy these books. We cannot give them out, but we can allow them to copy it. That explains a lot of the regulations in more detail and helps them to understand and get the same ideas that we have so that there are no conflicts on that.

Mr. Pakalnis: Just to clarify that, these are called guidance sheets for the inspectors and engineers of the branch. They refer to the various regulations and how they should be approached in terms of what you are considering, the equivalent case studies and that sort of thing in the legal profession. The other way we try to ensure there is some consistency across the province is in terms of the training programs we provide. Then, naturally, where there is a conflict, we try to resolve that among the various areas.

On the guidance sheets for the inspectors and engineers, we have taken a policy decision that we will be making that more readily available to our workplace parties and we have sent to the major unions now and to the Ontario Mining Association copies on a request basis on any particular regulation. We make those available now to the workplace parties upon request. I think that will help ensure some better consistency with the interpretation of any particular regulation.

Mr. Brown: This is perhaps an unfair question and it is very subjective, but would you find there seems to be a better understanding of what a regulation actually means now than there was, say, five years ago? Are people becoming more comfortable with the act and therefore understanding exactly what the regulations mean when it is in practice?

Mr. Pakalnis: With the act, there has been a growing process. Obviously, there have been test cases now on various sections where it has gone all the way through in terms of appeals or court cases in terms of what the meaning of any particular clause is. The legal interpretations that are provided to us from those cases also get incorporated in terms of our legal interpretation binders and into the way we administer any particular section. I would say it is far better than it was and certainly it is going to be better as we communicate that information more widely.

There are various avenues in terms of the types of training that are given, that the Ontario Federation of Labour, for example, gives at Chaffey's Locks, that are provided in various forms. I think that will all help us ensure that both sides know exactly what the rules of the game are.

Mr. Brown: Picking up on that point, there are two sides in this, most often anyway, and it would seem to me that the inspectors sometimes need to be kind of Henry Kissingers down in the mines.

Mr. Wildman: No, he always agreed with management.

Mr. Brown: All right. Anyway, in terms of having to negotiate on the spot, sometimes, some of these things, at least trying to explain exactly what the regulation means. Is that fair?

Mr. Giasson: That has been brought up in our brief when we first handed it to you at Sudbury and we have trouble with it. There is no question about that. You get in disputes with a particular regulation on just what it means. In many cases, it comes down to the inspector saying, "This is my understanding of it." Hopefully, if we have gone through what we are supposed to go through, that is the stand on the regulation. Once that decision is made, if the parties do not agree with that, they have the mechanism there to dispute it and that is the appeal procedure.

Mr. Brown: Are we finding more appeals or less?

Mr. Pakalnis: It depends on the area.

Mr. Giasson: In the Sudbury area I think we found more. Other inspectors have told me in other areas we have found there have not been many. What is the answer? Maybe the answer is that the groups we are dealing with up there have their very strong views on it and are just not going to go along with what the inspector says. That is fine. We have the appeal procedure.

Mr. Wildman: Could I ask a supplementary? If you say that in some

areas you get more appeals, is that indicative of both management and labour having a pretty good understanding, at least in their own minds, of what the law is and what the regulations are, or is it related to something else? You have it suggested in Sudbury by one of the management people from Falconbridge that there are a lot of work refusals that are related to labour-management problems. Do you think the appeals are related to that or is it knowledge of the actual legislation?

Mr. Giasson: I think there is some of both. I think that because of the parties probably being fairly strong in their knowledge of it, they both have their views, like you say, as well as not really being willing to agree with what the inspector's views are, which is fair. If the inspector is going to say, "That is my decision on it; I can do no more than that," then you are probably looking at an appeal situation. We have also seen that where labour problems do exist, sometimes health and safety does try to get twisted into it as an issue, possibly to get back at the supervisor for something or the other way around. It does sort of go hand in hand.

Mr. Chairman: Do any other members have any questions? If not, thank you very much for your appearance again before the committee. We appreciate it.

Mr. Pakalnis: Thank you, Mr. Chairman.

Mr. Chairman: The committee, as members will know, is scheduled to sit Monday afternoons, Wednesdays and Thursdays. This week, we are one of the few committees that is sitting around here. On Thursday, we have the Ontario Mining Association, which has requested to come before the committee again. We will hear from them on Thursday afternoon. Unless members want, I do not think there is a need for us to sit on Wednesday afternoon, unless there is something you want to meet on. Failing that, we will meet with the OMA on Thursday afternoon. We will not sit Wednesday. Next Monday, we start the work of putting together some kind of report or list of recommendations.

Anything else? The committee is adjourned.

The committee adjourned at 5:14 p.m.

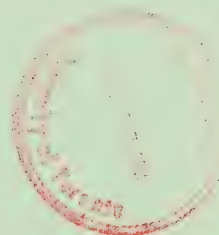
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STANDING COMMITTEE ON RESOURCES DEVELOPMENT
ORGANIZATION

WEDNESDAY, MAY 18, 1988



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Decker, Todd

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, May 18, 1988

The committee met at 3:22 p.m. in committee room 1.

ORGANIZATION

Mr. Chairman: The committee will come to order. Just before we start, we had agreed earlier that there were two items of business for today. One was to deal with Mr. Wildman's notice of motion on the schedule of the committee and the other was to have someone here from the mining health and safety branch to talk about the penalties and the notice that is required for prosecutions. The person who will come to do that apparently tells the clerk he is in Elliot Lake today, so we will get that information at another time.

Mr. McGuigan: We have only two of our members here. I ask you to defer that notice of motion until our people come.

Mr. Wildman: On a point of order: As I understand the rules, we can deal with the motion, and if any members of the committee, including the majority, wish to request 20 minutes to get their members here for the vote, they can do that.

Mr. McGuigan: I am quite prepared to do that, but I think in the course of events they will probably show up. Otherwise, I will have to ask for the 20 minutes.

Mr. Chairman: I am easy on it. I think it would be best dealt with if it was in the form of a motion, though, so that we are not making arbitrary rulings from the chair. It does not matter to me which you do.

Mr. Wildman: I think I would rather just go ahead.

Mr. Chairman: I think it is a little unfair in one sense. We have been starting at 3:30.

Mr. Wildman: OK, we can wait until 3:30.

Mr. Chairman: Why do we not wait until 3:30 so that other members can get in on the debate and so forth? We will start at 3:30. We do have a quorum and technically we can start.

Mr. McGuigan: I am not quarrelling with that.

Mr. Wildman: I am not difficult on that. If you want to wait until 3:30, that is quite acceptable to me.

Mr. Chairman: All right.

There is one other thing, while we are waiting. You may recall that on the health and safety material, we talked about the bonus system, the options and so forth. Since that time, the mining health and safety branch has done a study on the production bonus system. We have material from it. They have not really released it, but we have material from it.

I propose that we get it duplicated and circulated among the committee, because they do lay things out very nicely into options and then give the pros and cons of each of the options. I think it would not serve us very well if we were outflanked by either the fatalities committee or the mining health and safety branch. Therefore, we should at least look at these options. We may find one of them. We may decide to stay with what we discussed, but on the other hand, we may decide that we like one of the options in here. If that is OK with the committee, we will get that distributed and members can have a look at it.

Have the government members had any further discussions on references to the committee—I am not talking about the notice of motion now—besides Bill 116? I will tell you why I ask the question. There is some discussion about that bill not even going out to committee.

Ms. Collins: The Ministry of Northern Development bill? I understand it is coming to this committee.

Mr. Chairman: Oh, it is.

Ms. Collins: That is the first priority, evidently.

Mrs. Marland: Is it Northern Development or the northern Ontario heritage fund?

Mr. Chairman: Northern heritage fund.

Ms. Collins: It is the same thing.

Mrs. Marland: It is the northern Ontario heritage fund that they are discussing today in the House.

Mr. Chairman: Yes.

Mr. McGuigan: In answer to your question, Mr. Chairman, that is where we put our first priority. We are prepared to deal with the other bill some time in the future.

Mr. Chairman: OK, I was not trying to pre-empt the discussion on Mr. Wildman's notice of motion.

We will recess for five minutes and start again as close to 3:30 as we can.

The committee recessed at 3:28 p.m.

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Mr. Chairman: The amount of time that we have used up now had nothing to do with the 20 minutes that is allowed for members to get in for a vote. That was simply to allow 3:30 p.m. to come and go so that more members could get here, because I am sure some of them thought we were starting right at 3:30 p.m.

Let us begin. It is Mr. Wildman's motion that we are dealing with.

Mr. Wildman moves that when the committee sits during the summer adjournment of the House, Bill 13, An Act respecting Environmental Rights in Ontario, be the first item considered, that notice be given to groups in favour of and opposed to the bill and that two weeks be allocated to consider the bill, consisting of public hearings and clause-by-clause consideration of the bill.

Mr. Wildman: We gave notice of motion to the committee because we were hoping to schedule the committee for the period between sessions. This is a matter not relating to the substance of the bill that was introduced by my colleague Ruth Grier, but rather just a scheduling matter.

We do not have very much on the committee's agenda referred from the House at this point. This matter has been before the committee for some time. It was passed for the second time, with all-party support in the House on second reading in December and referred to the committee. It is not a new matter. It was introduced once previously by Mrs. Grier in May 1987 and passed. It is also very similar to legislation that was introduced by the Chairman of Management Board (Mr. Elston) when he was in opposition and was supported by the now Minister of the Environment (Mr. Bradley).

We had thought that it might be possible to schedule the consideration of this bill between the time we completed the consideration of our report on mining safety and when we met with the Worker's Compensation Board. I moved this motion because I did not feel, and I think other members of the committee agreed, that it would not be fair to proponents of the legislation or, for that matter, opponents of the legislation to have such short notice for hearings on such an important bill that would have important implications for environmental protection and the right to know in Ontario.

I felt it would be important to have the legislation dealt with as soon as possible and that meant, since we have scheduled the Worker's Compensation Board and we have estimates and so on to deal with it, and we are getting close to the end of the session, that it would be better to deal with it first as the first item when we sit between sessions.

I hope that the committee would agree, particularly since this matter has been passed twice with all-party support on second reading. It is obvious that this is a piece of legislation that has support across all the party lines and, for that reason, I hope we can deal with this legislation as soon as possible in the committee, give the public and various interest groups the opportunity to express their views on whether the bill should proceed and what changes, if any, are necessary and move to clause-by-clause consideration. Then we could proceed to report the bill to the House and have it dealt with on third reading and perhaps if it maintains the support it had on second reading, pass into law. Thank you.

Mr. Chairman: Thank you, Mr. Wildman. Just to facilitate the debate, members should know that there have been two specific pieces of legislation referred to the committee by the Legislature. There are a whole bunch of other annual reports to be referred to the committee by the standing orders, such as the annual reports to the ministries of Labour and Natural Resources, Ontario Hydro, the Worker's Compensation Board, all those kinds of things. As motions of the House, two items have been referred to the committee. One is this bill, Mrs. Grier's bill, and the other is the one that was referred last Thursday, as I recall, dealing with the recreational trails, turning abandoned railroad tracks into recreational tracks.

Mr. Wildman: I appreciate that information. I think most of us were aware that the other bill that was passed by an all-party agreement in the House and introduced by the member for Hastings-Peterborough (Mr. Pollock) is an important piece of legislation, but frankly, in my view, and I think most members of the committee would agree, a bill dealing with recreational trails is not nearly as important for the province as is this legislation. While I think we should proceed at some point to deal with that bill, I hope that all members of the committee would agree that Bill 13 should have much greater priority for all of us than the bill of my friend from Hastings-Peterborough. I do not denigrate the importance of that bill, particularly in his own area.

Mr. Chairman: I was not implying a ranking when I said that. It is just so that members of the committee know what has been referred to the committee. It is those two bills and all of the standing orders referring those other annual reports.

Mrs. Marland: Just on a point of information then, since you mentioned that the bill regarding recreational trails was only referred to this committee as of last Thursday, the chronological order then speaks for itself, that this bill was referred to this committee on December 10, 1987, which is now five months ago.

Mr. Chairman: What we are debating this afternoon is Mr. Wildman's motion that talks about Bill 13 being the first order of business. Are there any other speakers on Mr. Wildman's motion?

Mrs. Grier: I confess to being a little surprised that even to have public hearings on this bill appears to be becoming an issue of some crucial importance to the government. I was disturbed to discover that there seemed to be a reluctance to set aside the time that might be required to have some public hearings.

As my colleague the member for Algoma (Mr. Wildman) has said, Bill 13 was similar to a bill that had been introduced by a Liberal member. It is, in fact, a fairly direct plagiarism of a bill that was first introduced by Mr. Elston some sessions ago.

The reason for that was very deliberate. This environmental bill of rights was, I guess, the very first one to be introduced by Stuart Smith and then appeared in several forms until the final form by Mr. Elston, which I copied directly during the period of the minority government because I agreed, as did all of the Liberals and the Conservatives at that time, that it was an important bill. I felt it was more likely to receive the support of all members if it was something that had been drafted by a member of the government, and that was the case.

At the second reading in that session, it again got support from all sides, as it did in this House. It has also in the interim received support from, I think, every significant environmental group in the province. I know all members have received letters indicating the support that the concepts of the bill has. Interestingly enough, before the last election, the Project for Environmental Priorities, once again, put on its questionnaire to all candidates the issue of support for an environmental bill of rights for Ontario.

It is interesting to note that 75 of the 95 Liberal members who were elected in 1987 all indicated in their response to that questionnaire their support for a bill of rights. When it came to second reading on December 10, I was not surprised that once again it passed.

I was very pleased to have the parliamentary assistant to the Minister of the Environment, the member for York East (Ms. Hart), speak to the bill at that time. I heartily concurred with her comments that committee examination of the issues in the bill could only serve to strengthen the bill. The bill has some clauses which need to be examined and discussed and could be strengthened. Ms. Hart went on to say: "In conclusion, I reiterate that I support this bill in principle. I believe it should be strengthened and improved and would benefit from referral to a committee for public review."

That is what the House did on December 10, 1987. The motion that is before this committee today indicates two weeks of public hearings. From my discussions not only with the environmental groups but with some representatives of industry with whom I have discussed the bill, I think the feeling is that two weeks, maybe even one week, is more than sufficient. It is an opportunity for those who have some concerns about the bill, whether they are in favour of it or opposed to it, to come forward and lay those concerns out before the committee before we get into it clause-by-clause.

It is also interesting that, in response to some of the letters that I know members of the committee and other members of the cabinet have had in support of that brief period of public hearings, Mr. Elston in his reply said, "I am certain the standing committee on resources development will welcome the input of your groups at the time of public hearings."

Mr. Bradley said: "As you are aware, the act has proceeded to the standing committee on resources development. By voting in favour of the bill, my support was confirmed, although I believe certain sections should be expanded and strengthened. During the course of the bill's debate by the standing committee, those areas of concern will be addressed so that, when the bill is finally adopted, it will be legislation that truly protects the environmental rights of Ontarians."

1550

That is my objective and expectation too. I hope this committee in its very busy schedule will find the time at least to give the environment one week, if not two weeks, of its attention so that these hearings can be held.

Mr. Wildman: I just have a short point of order. The two weeks referred to in the motion were intended to deal with all public hearings and clause-by-clause. It was not supposed to be two weeks of public hearings.

Mr. Chairman: Any other comments on Mr. Wildman's motion?

Mr. McGuigan: The only comment is that we indicated it was not our priority. But we are conferring with the House leader and we would request our 20 minutes now. Then we will be prepared to go ahead and vote.

Mrs. Marland: If the Liberal government members are not going to speak—am I correct that no one is making a comment on this motion on the floor?

Mr. Wildman: Mr. Chairman, could I ask a question?

Mr. Chairman: Well, let her finish.

Mrs. Marland: Are none of the government members going to speak to the motion? You are just going to vote. Is that what I understand?

Mr. McGuigan: We want to confer with our House leader.

Mrs. Marland: OK. After the 20 minutes, when we come back, we could continue debate?

Mr. Chairman: The orders are quite clear that once those 20 minutes is up, we are back here to vote. I think that should be clearly understood.

Mrs. Marland: All right. That is what I wanted established because, if that is the case, then I will speak now.

Mr. Chairman: You had better go ahead.

Mrs. Marland: In fairness, out of courtesy to the government members and because I listen to everybody, I wanted to hear what the government members' rationale was for not supporting it.

Mr. Chairman: I think you had better go ahead and the vote will be called.

Mrs. Marland: Ms. Collins did not hear my question.

Ms. Collins: No, I did not.

Mrs. Marland: I was asking if any of the government members of this committee were going to speak on the motion before us to deal with the environmental rights bill today?

Ms. Collins: The government members will be asking for 20 minutes before we vote.

Mrs. Marland: Excuse me, Mr. Chairman. There are four new government members. I just want to be sure that they know that, when we come back, they cannot comment on the motion, they just have to vote.

Mr. Chairman: I think that is clear. Did you wish to speak on it?

Mrs. Marland: Yes, I do. I, too, want to refer back to Thursday, December 10, 1987, when the member for Etobicoke-Lakeshore (Mrs. Grier) presented her private member's bill, the Ontario Environmental Rights Act. I think that it is very significant that at that debate on December 10 there was a referral of this bill to this committee. The motion that is on the floor at this point before this committee is purely and simply a motion that enacts a direction given to this committee by the Legislature.

I think we should all be very clear about what is going on here. I am assuming that, because the government members are choosing not to speak or comment on the motion on the floor, they must be completely happy with it and will be supporting it. If they were not happy with the motion, they would want, in their own interests to be in a position where they can defend their vote.

Mrs. Grier has already made comment on something that I will emphasize by repeating, because it was a note that I too was going to make. Of those of us who completed the questionnaire that was sent to us during the election campaign of August and September 1987 by the environmental groups in the province, 75 of the 95 Liberal government members who were elected did support the establishment of an environmental bill of rights.

I hope, for the sake of the six committee members who are here today, to vote on exactly what this motion is. In fact, the irony is, I suppose, that this motion is simply to deal with the hearings into whether an environmental bill of rights should go to the next stage in the Ontario Legislature. This motion today is not saying that we are agreeing to pass an environmental bill of rights. This motion is simply saying we will do what the Ontario Legislature has directed this committee to do.

Therefore, I do not see that it is possible for anyone who has already agreed in writing—and I may be wrong. None of these six members who are voting today may have completed the environmental questionnaires that 75 of their colleagues did. If they did, I fail to see that they could possibly today not support the next process, which is simply a public process to Bill 13.

I also point out that in this Legislature on December 10, 1987, when this matter of an environmental rights bill was referred to this committee, not only were the comments made by Ms. Hart, which were referred to by Mrs. Grier, but there was another comment of Ms. Hart that I would like to read from that Hansard. Actually, it is the final comment in her speech that day.

Apart from her most laudatory and complimentary comments about the fact that this bill would benefit from referral to a committee for public review, she also said at the very end of her speech, "An environmental bill of rights is a very important initiative of this body, and I urge all the members of this Legislature to support it."

After giving that quotation, I also want to be sure I am accurate, but I think that at that time the member for York East was parliamentary assistant to the Minister of the Environment, a position which I think she presently holds. I am quite sure that at the time Ms. Hart said, "I urge all the members of this Legislature to support it," it was with the endorsement of the Minister of the Environment. There is no way, as we know, that a parliamentary assistant will sit in that Legislature and speak in favour of a private bill without its having been vetted by his or her minister.

In this case, it is not a personal endorsement when the parliamentary assistant speaks; it is an endorsement by the ministry, I respectfully suggest. She is not just saying, "I endorse it." She is saying, "I urge all the members of this Legislature to support it."

1600

It is a replica of bills by both Stuart Smith and Murray Elston, two previous members of the now Liberal government caucus. If I were a member of the Liberal government caucus and were for some reason voting against public hearings on this bill, I would have a very difficult time explaining it.

The point I want to come to that I think is the most critical of all about this whole issue for this committee today, with this motion before it, is that this committee has only two government bills referred to it for its matter of process. I suggest that if this committee is going to sit and fulfil its mandate, which is to consider the business of the House as referred to it, then our mandate is indeed to proceed with public hearings for Bill 13.

I cannot see how this committee, or any member of this committee, can today vote against the direction of the House. There is not even a debatable

argument about priorities of which bill we should do next. In fact, as you very clearly made note of a few moments ago, there are only two bills referred to us and, chronologically, this bill, the Ontario Environmental Rights Act, was referred to this committee some five months ago.

After we recess for 20 minutes in order to adhere to the request of the Liberal government members at this moment, who want to caucus their decision with their caucus whip, I assume, I hope they will be in a position where they can caucus wisely and be able to come back to vote in a way that is appropriate for their responsibility not only as members of this committee but as elected members representing the environmental interests of the public whom they are elected to represent.

I will be proud and happy to support the motion, which is purely and simply that the public process of public hearings be conducted by this committee, as directed by the Legislature.

Mr. Chairman: Is the committee ready for the question?

Mr. Brown: I would just like to point out that this is, in effect, a scheduling problem. This is what we are talking about. We are not talking about whether or not we should have public hearings. We are not talking about the substance of the bill. We are talking about when we can deal with it. One of the problems we, on this side, are having right now is finding out what we can anticipate to be coming to this committee in the near future, which we do not know.

We have two bills before us right now, neither of which is a government bill, as Mrs. Marland correctly pointed out. What we are trying to find out, and what the delay is about at this point, is whether there are some priorities from the government. That is what the decision here is being held up by. I just want to make that clear.

Mr. Wildman: I appreciate the comments made by my colleague from Algoma-Manitoulin. Am I to understand that what we are awaiting, or what the Liberal members of the committee are awaiting, are instructions from the House leader?

Mr. Brown: Information from the House leader.

Mr. Chairman: Is this a point of order?

Mr. Wildman: Yes, on a point of order: I moved this not as a new motion today. This was moved as a notice of motion two days ago. The reason it was set forward to be dealt with today was so that all members of the committee could consult and determine how they were going to vote when it came to a vote. Frankly, I think it is a bit much for us to be now at the moment of voting while having the Liberal members, the government members, apparently not yet ready to decide how they are going to vote.

Mr. Leone: I want to say something because, as my friend says, we are not discussing the main object of the bill. For example, for myself in my campaign, the environment had been an important issue. Personally, I have to tell you that on this motion I cannot vote. I would like to be present in future whenever these public meetings are, but in those two weeks I will not be here, so personally I am against this just because I will not be here for those two weeks. I would like to see it in the future if it would be possible.

Mr. Wildman: Come on. Surely the member can be substituted for.

Mr. Leone: No. That is my personal thing.

Mrs. Grier: I was going to ask what problem the government members were having and what their priority might be instead of this. I gather that the whole principle of the committee's deciding its own agenda, about which we heard a great deal during the debate on Sunday shopping, does not appear to be the case in this committee.

Mrs. Marland: In response to a comment that was just made about the scheduling, this is a very open-ended motion. It is asking that two weeks be allocated. It was suggested by one of the movers of the motion that, if necessary, we would accept one week.

It also says in the motion "that when the committee sits during the summer adjournment of the House..." We all know about the summer adjournment of the House. As by a previous motion that we passed on Monday, our sitting weeks are to be the last two weeks of August and the four weeks of September. We agreed by resolution of this committee. Tell me, Mr. Chairman or Mr. Clerk, if I am wrong. Did we not agree on Monday that we would sit the last two weeks of August and the month of September? In response to Mr. Leone's concern, this committee has already agreed to sit those six weeks.

So we are saying and, as a matter of fact, I said on Monday that I would support that motion, knowing that for myself there are two weeks there that I am not available. The fact is that this motion is not tying down which two weeks. It is just saying, "Let's schedule two weeks of those six."

It is a fairly open-ended, flexible motion and there will be some of us who are very, very committed. There is not anybody more committed than I am to this bill. As I commended the member for Etobicoke-Lakeshore (Mrs. Grier) in my speech in the Legislature when I supported her, I think it is an excellent initiative.

If it turns out that I have to miss it, that is going to be my personal loss, but it is too important not to have it proceed because of my own personal scheduling. But I do not think that the motion that is on the floor, which is all that we are discussing today, ties us down to a scheduling problem.

With respect, how can you adjourn for your 20-minute recess to discuss a scheduling problem about what bills are coming when we know that we have only two as of now? I acknowledge they are private bills, but I also acknowledge they had unanimous consent of the House and with this one there was tremendously strong support from the government parliamentary assistant.

Therefore, how long will it take for the government to decide that maybe there is going to be another one. If the other one comes, it is not likely that it is going to take six weeks of hearings. There is no problem as far as I am concerned, except that I think unfortunately we are getting into a little gamesmanship, which is a little regrettable, because this has already gone down the road to being a very substantial move in the direction of the protection of the environment for everybody, regardless of party.

Mr. Wildman: On a point of privilege, I think it is an abuse of my privilege as a member of this committee to have the members of the government party on this committee sit here and say that this is not their top priority without giving us any indication of what their top priority might be and why they are going to vote, if they are going to vote, against this.

Mr. Chairman: That is a point of view, but not a point of privilege.

Mrs. Grier: I just want to comment on Mr. Leone's position and say that I sympathize with him, because we all have schedules that sometimes interfere with things we would very much like to do here, and to urge him not to let that interfere with his support of hearings on this bill. I would point out that, after all, if the word comes down that the government has another priority that is higher, then he is going to miss whatever that priority is too if he is away for the two weeks.

I am very glad to hear from Mr. Leone that he supports the concept of the bill, because he was one of the government members who did not respond to the questionnaire of the Project for Environmental Priorities, so I welcome his support at this point.

Mr. Chairman: Is the committee ready for the question? I hear a call for the 20 minutes.

Mrs. Grier: Moses has returned from the mountain.

Mr. Chairman: Did you want to speak before we wait for 20 minutes?

Mr. McGuigan: Yes. I do not think there is any necessity for the 20 minutes. At this point, as I mentioned earlier, this is not our first priority. We do not know what is coming down from the House. So I would move a motion to postpone this motion.

Mrs. Grier: Postpone until when?

Mr. Chairman: This is actually a hoist motion, I gather.

Mr. Wildman: Are you asking for a tabling of the motion?

Mr. Chairman: We better check the rules on this one. I do not want to rule wrong.

Mrs. Marland: This is disgusting.

Mr. McGuigan: We are not turning it down, Margaret.

Interjection: You are just putting it off.

Mr. McGuigan: We have the option of turning it down.

Mr. Chairman: Mr. McGuigan, would you at least move a motion that this motion not be considered now, but put a specific time as to when it should be considered? I think that is the proper standing order.

Mr. McGuigan: It would have to be near the end of the House sitting, so we know what is coming.

Mr. Chairman: I think we should interpret it the way it is for the House itself. "If a reasoned amendment or a hoist motion"—which is what Mr. McGuigan is after here, I believe—"is offered to a motion for second or third reading"—I think we should interpret that as this being the motion on the notice of motion, being the equivalent—"the first question proposed by the Speaker is whether the bill will now be read a second or third time, as the case may be. If this question is decided in the affirmative, the bill shall immediately be read the second or third time. If the question ... is decided in the negative, the Speaker shall then put the proposed amendment to the House and at that time, but not before, an amendment to the amendment may be offered."

That does not really solve the problem.

Mr. Wildman: Can you move that kind of motion on a procedural motion, because that is what this is?

Mr. Chairman: I am having trouble with it, because I have never encountered before a motion in the middle of a procedural motion and have another motion injected into it. I am having trouble dealing with it. I want to make the proper ruling, but I do not—

Ms. Collins: Is it not just a tabling of the motion?

Mr. Chairman: It is like a deferral motion, I guess.

Mrs. Grier: If you table the motion, there would have to be a time on it. It cannot be tabled for ever.

Mr. Chairman: Why do we not take a short adjournment because we want to rule properly on this?

Mr. Wildman: I have some things I want to say about this. Are we going to wait for your ruling and then if you rule it in order, we will be able to debate it?

Mr. Chairman: There is no sense debating it if it is out of order. Let us find out whether it is in order or not, and if it is, fine, then we will proceed.

Mrs. Greer: If you are going to check procedure, Mr. Chairman, can you check, or would Mr. McGuigan be prepared to perhaps accept, an amendment, if this motion is not acceptable in its entirety, an amendment that will provide for consideration of Bill 13 to be the second order of business of this committee?

Therefore, if the government discovers it has a priority, that could be dealt with first and then this second. We at least would have the commitment, so those preparing for the hearings would know that there was going to be a hearing this year, not next year, some time or never.

Mr. McGuigan: I am not prepared to date it exactly.

Mrs. Marland: May I just ask one thing? If we are going to get an opinion on the motion that is on the floor, whoever gives the opinion should come into the committee and explain it to all of us. Please.

Mr. Chairman: We will try to do that.

Mr. Wildman: I want to ask my friend Mr. McGuigan if he can explain if indeed his House leader concurs in this procedure. If he does, can he assure us that we will at least be able to vote on this motion?

Mr. McGuigan: Of course, yes, you will vote on the motion. The House leader does concur.

Mr. Chairman: OK, let's adjourn for five minutes. We should be able to be back here in five minutes.

The committee recessed at 4:16 p.m.

Mr. Chairman: We consulted with the Clerk of the House and the motion is entirely in order. It is to be treated strictly as any hoist motion or deferral motion, and it does not matter that it is a procedural motion. That is no problem. Therefore, Mr. McGuigan's motion is in order. I do not know whether he wants to restate it or not and deal with it.

Mr. McGuigan: Probably rather than having it open-ended, we should say "to the end of the session" or "the last week of the session." It is pretty difficult to put a date on that, not knowing when that will be, but at least it would give some approximate figure.

Mrs. Grier: The session or the sitting?

Mr. Chairman: The spring session.

Mr. McGuigan: Say "end of June."

Mrs. Grier: Could we say "end of June"? I would feel much happier if we put a date on it. If we are still sitting at the end of June, we can talk again.

Mrs. Marland: May I hear what the motion says?

Mr. Chairman: The way to be more precise is to say "before the House recesses." Is that all right? Is that your motion then?

Mr. McGuigan: We want it "near the end." "Before it recesses" would allow anyone to—

Mr. Chairman: "The week preceding adjournment of the session."

Mr. Wildman: "The last week of the session."

Mr. Chairman: "The last week of this session." Do you wish to restate it or are you happy with that?

Mr. McGuigan: Do you have anything down there, Todd?

Clerk of the Committee: Just that you would move that Mr. Wildman's motion not now be considered, but be considered by the committee during the last week of the current session?

1630

Mr. McGuigan: Right.

Mr. Chairman: Is that clear, everybody?

Mrs. Marland: That would be considered when?

Clerk of the Committee: In the committee during the last week of the current session before the adjournment of the House.

Mrs. Marland: OK. Is that nondebatable, did you say? Is it a referral or a deferral motion?

Mr. Chairman: Deferral.

Mrs. Marland: It is nondebatable.

Clerk of the Committee: It is actually a — .

Interjection: It is like a tabling.

Mr. Chairman: OK, is that clear? All those in favour of Mr. McGuigan's motion will—

Mrs. Marland: May we have a recorded vote?

Mr. Chairman: Sure.

The committee divided on Mr. McGuigan's motion, which was agreed to on the following vote:

AYES

Brown, Collins, Leone, McGuigan, Miclash, Miller.

NAYS

Grier, Marland, Wildman.

Ayes 6; nays 3.

Mr. Chairman: The motion is carried and it is deferred until the last week of this session.

Mr. Wildman: May I ask a question on a point of order? Could the chairman indicate to me whether it would now be in order for another motion to be put related to this schedule and whether it might impinge on the consideration of this bill? Or would that be out of order considering the motion we have just passed?

Mr. Chairman: Could you give us an indication of where you are headed?

Mr. Wildman: For instance, could we move a motion that the consideration of Bill 13 be the second order of business of this committee after the session?

Mr. Chairman: I would rule that out of order because of the nature of the deferral. Anything else?

Mr. Wildman: In effect, what has happened is the government cannot make up its mind and does not have a priority. It has decided it does not want to deal with an important matter on the protection of the environment. It is completely an unacceptable way to treat a committee of this House.

Mrs. Grier: They would rather do nothing.

Mr. Chairman: Any other comments before we adjourn?

Mrs. Marland: Yes. I would like to make a comment on the process because I think it is very important now that the vote has been taken. I am not debating the motion for deferral, but I think it is very important to be sure that we have on the record the fact that the notice of motion for this motion that has just been deferred was, I think, placed originally last Thursday. Was it not?

Mr. Wildman: Originally.

Mrs. Marland: Which was what date? Last Thursday would be May 12 and it was discussed again on Monday, May 16. Here we are on May 18. In fact, the government had six full days, from May 12 to May 18. The government had six full days of notice.

So if there were the kinds of concerns which apparently there are, or the kinds of excuses that apparently there are, the government does not want to face up not only to its responsibility, but to its campaign promise to protect the environment. There were six days where that whole consideration of the question of scheduling other business before this committee could have been dealt with.

Mr. McGuigan: It actually came down to just a few minutes because we fully expected that the heritage bill was going to be brought here, and that was our first priority. Apparently, a deal was made at the last minute to hear it in committee in the House. We were not aware of that.

Mrs. Grier: It was your House leader's wish.

Mr. McGuigan: But he did not convey to us that information. We do have other bills that we may very well wish to bring in.

Mrs. Marland: I could help out, Mr. Chairman, on that point.

Mr. Chairman: Are you finished?

Mr. McGuigan: Yes, for instance, Mr. Miller just mentioned that there are agricultural bills coming down which we could very well want to deal with. We have not turned the bill down and it may very well pass when you want it to do so.

Mrs. Marland: I guess that the thing that I regret the most is that this has been, as far as I am concerned, in my three years, a very positive, productive committee, and I am not about to start to kill the messengers, because I recognize we have six messengers on this committee this afternoon. I do not take issue with the messengers, because we all understand, very simply, that is what they are being directed to do.

But I think the fact that we now know that the very bill we thought we were going to be holding up, namely, the northern Ontario heritage fund bill, has gone into committee of the whole House and will not even be coming is even less reason to do what we have just done.

What I would like to ask government members is, now that you know that the bill is not coming to this committee, would you like to place another motion?

Mr. McGuigan: I hope, as Mrs. Marland has said, that we can continue in the good relationships that we have had in this committee. I personally regret very much what has happened, but it did happen. We are all politicians and we have to face these things, but certainly I hope we do not revert to being very partisan in these matters. We have had an excellent relationship on the bill on mining health and safety. I hope that goes on.

Mr. Chairman: I think we are starting to stretch the point of order beyond endurance.

Mr. Wildman: It just seems to me completely ridiculous that what we have just been told by Mr. McGuigan is that the reason for the government's approach on this motion was that it anticipated that the northern Ontario heritage fund bill would be referred out to this committee, and the House leader of the government did not inform him of the fact that it now appears it will not be coming to this committee.

We have the government members on the committee saying there were other priorities. They cannot name any other priorities. The one other priority is now named, and we find that priority is not coming to this committee. In that case, they should rescind their motion.

Mr. Chairman: We have dealt with that motion already. There is no further business before the committee today.

The next time we meet will be next Wednesday, because Monday is a holiday and the committee does not sit on Tuesday, at which point the Ministry of Labour and the Workers' Compensation Board will be before the committee.

The committee adjourned at 4:39 p.m.

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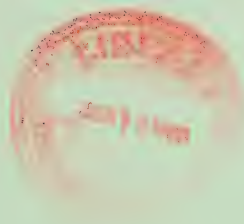
(Printed as R-7)

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986

WEDNESDAY, MAY 25, 1988

Draft Transcript



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Martel, Shelley (Sudbury East NDP) for Mrs. Grier

Also taking part:

Pope, Alan W. (Cochrane South PC)

Rae, Bob (York South NDP)

Wildman, Bud (Algoma NDP)

Clerk: Decker, Todd

Staff:

Madisso, Merike, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Labour:

Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)

From the Workers' Compensation Board:

Elgie, Dr. Robert G., Chairman

Wolfson, Dr. Alan G., Vice-Chairman of Administration and President

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, May 25, 1988

The committee met at 3:37 p.m. in committee room 1.

1986 ANNUAL REPORT OF THE WORKERS' COMPENSATION BOARD

Mr. Chairman: Beginning today and for the next three weeks we will be dealing with the Workers' Compensation Board. I think that most people in the room recognize the people at the front. Alan Wolfson on my far left who is, I believe, president of the Workers' Compensation Board. Next to him, when he sits down—whether he sits down or not—is the chairman of the Workers' Compensation Board, Dr. Robert Elgie. Next to me, the Honourable Gregory S. Sobara, the Minister of Labour. To my immediate right is Todd Decker, the clerk of the committee and Merica Madisso, the researcher to the committee, and the indispensable Hansard reporters.

We better get moving because there is going to be a vote in the Legislature this afternoon and we want to hear from the minister and from Mr. Elgie. Mr. Sobara, welcome to the committee.

Hon. Mr. Sorbara: Thank you, Mr. Chairman. Ladies and gentlemen, members of the committee, I have some brief remarks in a rather structured form that I am going to share with you, and I understand that after that the chairman of the board has some remarks and then matters will proceed.

Members of this committee will know that workers' compensation is an area that is often divisive and emotionally charged. But, you will know too, that the Workers' Compensation Board provides a service which is indispensable to the workers and employers of this province.

In recent years the WCB has come under considerable scrutiny. There have been a number of inquiries conducted and reports provided. Much value has come from these various efforts. They have provided useful guides for improving the system of workers' compensation in the province of Ontario.

The government is committed to making further improvements to the compensation to make it more equitable, more effective and more efficient. In particular, I tell the committee that we are proceeding with the government's ~~Committee made in the future speech from the throne.~~

R-1540 to follow

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~~making further improvements to the compensation to make it more equitable
more effective and more efficient~~

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In particular, I tell the committee that we are proceeding with the government's commitment made in a recent speech from the throne to deal with the issues of permanent partial disability, vocational rehabilitation and reinstatement rights for injured workers.

Clearly, there is much to do to make the existing system an even better one, but this should not obscure the fact that a number of important and very positive measures have already been taken. Dr. Robert Elgie, the Workers' Compensation Board chairman and the fellow sitting directly to my left—I thought you would be on my right, but be that as it may—

Mr. Elgie: It depends whether you are up here or down there.

Mr. Laughren: Nobody is.

Hon. Mr. Sorbara: You are, Floyd. Just for the record, you are.

Mr. Laughren: I did not start it either.

Hon. Mr. Sorbara: I was delighted, in fact, to hear you talking in the House this afternoon on the importance of keeping assessment rates under control. That is not typical for your party. Nevertheless, I welcome that as I welcomed your other comments earlier on this afternoon.

In any event, Dr. Elgie will be speaking to many of the organizational developments, policy initiatives and operational improvements that have taken place in the past 12 months, so I am going to keep my remarks rather brief. I would like to take the opportunity, however, to touch on just a few WCB issues and initiatives.

Last fall, my predecessor received the report of the task force on workers' compensation vocational rehabilitation which he had earlier commissioned. As committee members know, the task force report made a number of recommendations for improvements to the WCB vocational rehabilitation program.

The major theme in the report is the need for early intervention if we are to successfully reintegrate injured workers back into the workplace. In response, the WCB has recently circulated a proposed revised vocational rehabilitation strategy for comment. This will no doubt be a matter that you will wish to discuss with Dr. Elgie and others who are appearing before your committee.

I am certain I do not have to convince the members of this committee how important it is to get injured workers back into the workplace. It is, of course, important to the worker and to his or her family. It is equally important to the employer who needs the skills of the injured worker, the experience and the initiative. And, of course, it is important to the community as a whole as a measure of our compassion and regard for one another.

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In 1987, the board located some 5,234 potential job opportunities for injured workers. Of these, 1,809 involved the utilization of the board's assessment, training and on-the-job programs. Overall, 5,229 injured workers returned to employment in 1987.

The board, I am told, is increasing its community involvement in other ways. For example, it has continued discussions throughout the past year with a community-based group in Sudbury regarding the establishment of an experimental two-year pilot project to provide intensive medical rehabilitation services to injured workers in the Sudbury area. Participation in the program is and will be voluntary, and both the worker and the worker's physician will have to agree to it.

This project offers workers who cannot return to work after 90 days an opportunity to undergo intensive analysis of their health status by a team comprised of a general practitioner, an occupational therapist, a physiotherapist and a social worker.

This pilot project will not only benefit injured workers from the Sudbury, but as well, it will provide research to assist the board in determining the most appropriate method for delivering effective medical rehabilitation services locally throughout the province. It is yet another example, I suggest, of the decentralization and regionalization of services, and represents a commitment to the workers of northern Ontario.

Also, in keeping with its commitment to regionalization, the board in March of this year opened a full service regional office in Windsor to serve southwestern Ontario. This means that clients in the Windsor area will be able to obtain not only vocational rehabilitation services and information services, but also a wide range of additional services including claims registration and adjudication, disability pension adjudication, compensation payment authorization, health care processing, in-house medical consultations and local medical examinations. The Windsor office is the sixth such regional office opened by the board over the past few months to improve services locally to clients.

~~The Workers' Compensation Board has also announced a new medical rehabilitation strategy...~~

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~~Windsor office is the sixth such regional office opened by the board over the past two months to improve services locally to clients.~~

The Workers' Compensation Board has also announced a new medical rehabilitation strategy proposal. It would provide a foundation for improved medicat rehabilitation services for injured workers and also for the general public. The proposal is currently the subjects of discussions between the WCB, the Ministry of Health, and interested parties, including the health care delivery system around the province. I would be interested in any comments that committee members might have on the proposed strategy.

This committee knows that improving the workers' compensation system is an ongoing process. As I have mentioned, the government will bring forward legislative amendments concerning reforms to the system of permanent-partial-disability compensation and to enhance injured workers's rights to re-employment. At the appropriate time, I will look forward to the legislature's thoughtful approach to these initiatives.

I thank you for the privilege of appearing before the committee and look forward to hearing Dr. Elgie's remarks and your comments and questions on them.

Mr. Chairman: Mr. Minister, do you have a copy of your remarks for the committee? If not, we could take copies of it.

Hon. Mr. Sorbara: I do. I did not— Well, the copy, ??check against delivery remains, but nevertheless, I will just provide them to you.

Mr. Chairman: Okay, thank you.

May I suggest to the committee that we hear from the chairman of the board before we open it up to comments from the members. Is there any problem with that? Okay.

Dr. Elgie: I appreciate the opportunity to appear before members of this committee as you commence your review of the 1986 ??annual report of the Workers' Compensation Board.

In keeping with the practice in recent years, I would like to summarize for the committee the major changes which have taken place within the board since I last appeared before you. In this regard, it is fair to say that the last year and a half has been a period of unprecedented progress in building a better workers' compensation system. Although I recognize that much remains to be done and that in some areas transitional difficulties may still be present, I have no hesitation at all in saying that the board has made great strides towards its goal of improving service to all of the groups with which it deals—workers, employers, members of the health care community, and its own staff.

Improvements mainly fall into two broad categories; operational changes and policy and program initiatives. What I would like to do today is both to describe and elaborate on some of the board's initiatives in each of these categories.

Firstly on operational changes. Two years ago a complete overhaul of the

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board's operational structure was commenced. The ultimate goal was, and remains, the creation of an organization which is at once sensitive and responsive to client needs, fair and open in its treatment of cases and problems and efficient and effective in its operations. While this broad goal may be seen at one level as a reaffirmation of the basic principles on which the workers' compensation system was founded, more than 70 years ago, its translation into modern day conditions has involved a significant transformation in the internal structures of the board.

This reorganization process has just recently been completed. The main framework is provided by the creation of four division within the board; client services, policy and specialized services, corporate services, and strategic policy and analysis. Within the client services division, the board has made major changes in both the nature and scope of its network of regional offices. The opening of new offices in Ottawa last May, and in Windsor earlier this year, brought the number of regional offices to six. This expansion has provided a dramatic shift in the proportion of the board's claim handled in the regional offices: from 10 per cent in 1985 to 36 per cent in 1987, and an anticipated 50 per cent in 1988.

During 1987, of the almost 470,000 new claims reported to the board, 170,000 were handled in the regional offices; 73,000 in Hamilton, 16,000 in Sudbury, 14,000 in Thunder Bay, 31,000 in London, 36,000 in Ottawa over the eight months that that office was in operation.

Caseloads in some areas have been reassigned for a variety of reasons including geographic proximity, medical referral patterns and transportation corridors. For example, caseloads from the Lambton county and Sarnia...

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(Dr. Elgie)

~~"Caseloads in some areas have been reassigned for a variety of reasons, including geographic proximity, medical referral patterns and transportation facilities. For example, caseloads from the Lambton county and Huron areas were transferred to the London regional office, while caseloads within the electoral districts of Cochrane, Timiskaming and Nipissing, in the Timmins and North Bay offices are now dealt with through the Sudbury regional office."~~

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"The Windsor regional office, which commenced operation in February of this year, is being used as a prototype to examine the feasibility of combining organizational features drawn, both from the the other regional offices and from the recent structural realignment at the board's head office in Toronto. Experience with the new approach in the Windsor office will be evaluated during the next year with the view to determining whether a similar structure might be extended to all the regional offices."

"Parallel with the regional office expansion, a major reorganization in the provision of client services also occurred at the board's Toronto head office. Key functions, such as claims and health care adjudication, medical and vocational rehabilitation, once organized as distinct, separate entities, have been drawn together into a series of integrated service units. Each unit is self-contained and located on one floor of the head office building."

"Seven of the integrated units, central Ontario east, Toronto east, Toronto west, Toronto north, central Ontario west, central Ontario south and Toronto south are responsible for specific geographic regions within the central core area of the province not serviced by one of the board's regional offices. The eighth integrated unit is organized on industrial rather than geographic lines, and is responsible for the construction industry throughout central Ontario. A construction industry, Labour-Management Advisory Committee is assisting in the development and the operation of this unique unit."

"French language services for the entire province are provided through the central Ontario west integrated unit."

"The benefits expected to accrue from this new alignment of services are various. First, it will provide, promote and facilitate more effective liaison between the providers of claims adjudication, health care and rehabilitation services, each of whom may be involved at different stages in the course of a claim. Better linkages between these stages will benefit the claimant in terms of both expediting the process and improving the effectiveness of the service provided."

"The second anticipated benefit is that the smaller claims services units will facilitate specialization and familiarity with the particular environment faced by specific groups of clients. The allocation of claims to each ISU on the basis of the employer's postal code will lead to greater continuity of contact between board personnel and individual clients, which in turn will be especially beneficial in involving the employer more effectively in rehabilitation measures to return the injured worker to employment."

"Third, injured workers, employers and health care professionals should benefit from the improved access to decision makers."

"Finally, a number of administrative efficiencies will flow from the reorganization of client services, not the least of which will be that the need to pass files and other claims information between different sections, locations within and floors within the board should be much reduced."

"The first integrated unit to become operational, central Ontario east, commenced in September of 1987. By the end of the year, five units were providing services to board clients, processing a total of about 20,000 claims. The remaining three units, central Ontario south, Toronto south and construction, became operational in the first two months of 1988. When they are at full strength, the integrated units will handle about one half of the board's claims."

"I believe that this new structure signals a new era in staff collaboration and teamwork, and will result in faster claims processing and a more sensitive and caring service."

"While the changes that have taken place within the client services division will have the most immediate and visible impact on the majority of persons dealing with the board, reorganization measures have also been implemented elsewhere in the organization."

"In the corporate services division, a program review report prepared last summer by external consultants produced a number of recommendations aimed at streamlining the..."

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(Dr. Elgie)

~~is the organization. In the corporate services division, a program review~~
~~report prepared last summer by external consultants produced a number of~~
~~recommendations aimed at streamlining the division's operations and improving~~
efficiency. The restructuring and rationalization of key functions affecting
the financial and review services areas, among others, also resulted in the
transfer of communications and actuarial services to a new strategic policy
and analysis division.

In addition, this latter division is responsible for the provision of
specialized legal services, administrative support to the board of directors,
analysis and advice on strategic policy issues and assessing the impact of
board programs through a recently established research and evaluation branch.

The fourth division, policy and specialized services, provides a range
of specialized medical and vocational rehabilitation programs and services and
includes the Downsview Rehabilitation Centre and the Occupational Health and
Safety Authority.

The occupational disease department, which became operational in January
of this year, will substantially improve the board's capacity to monitor
emerging trends and to provide policy and technical advice with respect to the
adjudication of occupational diseases.

The policy and specialized services division is also charged with the
responsibility for developing and integrating the board's operational policies
and the administrative guidelines to link these policies to program delivery.
An important element in this work and in the activities of the strategic
policy and analysis division will be a strong commitment to consult
extensively with those who have a stake in the operation and development of
the workers' compensation system. This will assist the board in better
understanding the problems and concerns of its client groups and will help to
promote the formulation and adoption of more effective policy prescriptions to
alleviate those problems.

In concluding my remarks on the reorganization of the board's
operations, I cannot let the moment pass without an expression of my gratitude
for the diligence and forbearance exhibited by the board's staff during the
past year. That major changes of this type could be successfully implemented
in a relatively short time period while continuing to maintain the day-to-day
delivery of services testifies both to the dedication of the staff and their
interest in improving the operational effectiveness of the organization.

With respect to policy and program initiatives, the range of policy
issues dealt with during the past year is extremely broad. It includes new
directions in the board's approach to cases involving the payment of
supplements under subsection 45(5) of the act, chronic pain disorder, the
compensation of gold miners with lung cancer, the retroactive application of
policy changes and the commutation of pensions.

On the financial or revenue side, the board continued to pursue the
long-term funding strategy adopted in 1984 and combined it with the
introduction of a monthly billing procedure on a pilot basis, made a number of
important amendments to its experience rating program and set out a new
approach to determining the discount rates used to value the board's

liabilities and to compute the magnitude of commuted pensions.

Perhaps the most controversial and the most widely misunderstood of these changes was the adjustment in the interpretation and application of subsection 45(5) of the act, governing the payment of supplements to recipients of permanent partial disability pensions.

A review of supplements policy had been prompted by a number of expressed concerns and uncertainties associated with the way the relevant statutory provisions had previously been administered. Professor Weiler, in his third report, published in late 1986, noted that there had been a significant change over time in the adjudication of permanent partial disability pensions and supplements, without any corresponding change in the statute itself or in the board's formal policy.

Subsequently, in decision 915, the Workers' Compensation Appeals Tribunal raised further questions concerning the interpretation of subsection 45(5), focusing on the apparent lack of congruity between the board's policy and its practice. It pointed to the need for the board to make a clear decision between two alternatives...

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~~... focusing on the apparent lack of congruity between the board's policy and its practice. It pointed to the need for the board to make a clear decision between two alternatives,~~ the practice of continuing supplements so long as a disability-related earnings loss persisted, and the written policy of limiting supplements to a three-year maximum time limit. Prior to the 1985 statutory amendment, indexing pre-injury earnings for purposes of determining entitlement to a supplement, this distinction between policy and practice had been less apparent since loss of earnings, measured in accordance with the statutory requirements, often failed to continue beyond the three-year period. Following the statutory change, which indexed pre-accident earnings, this was no longer the case.

The concerns and the perceived need to inject a greater degree of consistency into the granting of supplements to assist during a period of rehabilitation justified the need for a review. In the course of that review, it became clear that over the years the interpretation of subsection 45(5) which had gradually emerged was not consistent with the wording of the legislation itself. The amended policy brings the board's interpretation and administration of the section in line with the intent of the act by ensuring that supplements are awarded, to those who pass the threshold test, on a temporary basis in support of medical and rotational rehabilitation programs.

Chronic pain disorder was recognized as a compensable condition in 1987. In the past, the WCB had compensated for disabling pain that was consistent with an organic injury, but compensation was denied where there was no detectable organic or discrete psychiatric problem that could explain the pain. In the light of the accumulation of medical evidence and opinion, the board took the position that compensation should be paid for genuine chronic pain disorder resulting from a work injury in cases where the pain has a psychological or undetected organic cause.

In early May, the WCB board of directors accepted in principle the compensability of chronic pain disorder, and in July, it adopted an interim policy and an associated rating schedule which provided for one-year provisional awards. In the interim, the Workers' Compensation Appeals Tribunal had also concluded that chronic pain disorder was a compensable condition.

The board's interim policy is based on compensating the injured worker who suffers real pain that results from a work-related injury, persists more than six months beyond the usual healing time for the injury and impairs the worker's earning capacity. At the conclusion of the one-year period covered by the interim policy, the board of directors will review the practical experience gained in its operation and determine whether and on what basis the policy should be continued. In taking the approach that it did, the Ontario board became the first in Canada to recognize chronic pain disorder as a compensable condition.

The board's willingness to assume a leadership role in the compensation field was also demonstrated with its recognition of the relationship between gold mining and the incidence of lung cancer.

The board had requested the opinion and advice of the industrial disease standards panel on this issue. In addition, a second panel, chaired by Dr. Anthony Miller of the University of Toronto, conducted its own investigation

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of the same issue. Both panels found a probable connection between lung cancer and gold mining in the province, although they differed in their recommended approach to the formulation of eligibility criteria for compensation.

Last November, the board of directors adopted an interim policy to provide compensation for those miners meeting criteria that relied upon areas of agreement between the two panels, and in January of this year a more comprehensive policy incorporating additional criteria was adopted.

This policy breaks new ground in the field of industrial disease compensation by seeking to identify in a systematic manner cases which are most likely to bear excess risk. In contrast, the traditional method used elsewhere tends to compensate whole groups based on the balance of probability that the condition in question was related to occupation exposure.

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... risk. In contrast, the traditional method used elsewhere tends to compensate whole groups based on the balance of probability and the condition in question was related to occupation exposure. A drawback in that method and one which the board's new policy seeks to overcome is that it is relatively insensitive to situations where excess risks clearly exist yet are insufficiently large to predominate over potential non-occupational causal factors.

WRAC and 86N Reviews: In 1987, the board of directors established a Workers' Compensation Appeals Tribunal, a Review Advisory Committee within the general counsel's office to review decisions of the Workers' Compensation Appeals Tribunal. The committee assesses each decision to determine if the basis of the tribunal decision differs from board policy and whether, in its opinion, a decision should be considered for review under Section 86N of the act.

This advice of the committee is presented to the board of directors on a monthly basis. During the year the board of directors decided to review issues of policy and general law raised in the tribunal decision 72. The principal issue involved, interpretation of the term "injury by accident" in section 3(1) of the act. The tribunal had held that in order for such an injury to exist, it was not necessary to show that it was associated with some discrete external chance event.

In the tribunal's view, an injury by accident could be said to occur where an injury occurs suddenly and unexpectedly during the routine performance of a worker's job without an accompanying chance event or occurrence. In accordance with Section 86N of the act, affected parties were given the opportunity to make both oral and written submissions at the review. Oral submissions were entertained during public hearings in June, October and November. A decision by the board of directors is expected shortly.

Under the terms of Section 86N, the board of directors may direct the appeals tribunal to reconsider its original decision if the board of directors determine that the interpretation of the policy in general law is different from the interpretation rendered by the appeals tribunal.

Retroactive policy: In approving the board's new chronic pain policy, the board of directors stipulated that the benefits for this condition were not to be paid in respect to periods prior to July 3, 1987. A number of subsequent tribunal decisions took a contrary position. As a result, the board of directors decided to initiate a Section 86N review of a series of such decisions but also decided to defer that review until after the appeals tribunal issued its addendum to decision 915. In an effort to ensure adherence to a consistent set of principles in the future governing the retroactive application of board policy, the board of directors in October approved a policy on this issue. In general, policy changes will be effective only from the date that they are approved; however, cases involving industrial disease, such as in the goldminers' case may be treated as an exception with an earlier effective date should the board of directors so direct.

Commutation of pensions: The board's policy on commutation of pensions was amended and clarified. The new policy re-affirms that the basic intent of the act is to replace lost wages and therefore to provide a continuing source

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of income for the workers' impairment of earning capacity in cases involving a permanent disability. Never the less, it is recognized that there may be situations which justify a departure from this approach in favour of a the payment of a commuted pension in the form of a lump sum. In seeking to define these situations, the policy places a strong emphasis on the rehabilitative rationale for commutation rather than on purely financial factors.

I would like to comment on discount rates. The discount rate to be used in computing pension commutations was also considered by the board of directors in conjunction with their adoption of a series of principals to guide the board's future approach to setting the net discount rate used to value its liability. ~~The latter rate, that is, the net discount rate...~~

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... in conjunction with their adoption of a series of principles to guide the board's future approach to setting the net discount rate used to value its liabilities. The latter rate, that is, the net discount rate to value its liabilities, was adjusted to three per cent having been seven per cent prior to that. On the basis of current economic conditions and the higher earning potential of the board's accident fund arising in part out of changes in investment powers consequent on the passage of Bill 101.

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The discount rate to be applied in the commutation of pensions will, in future, be linked to the evaluation discount rate through a formula that sets the commutation rate at a level one percentage point in excess of that rate. This additional margin of one per cent was based on actuarial advice. It is designed to compensate for the potentially adverse impact of commutation decisions on accident fund finances and thereby, to safeguard the financial interests of other claimants who are dependent on the fund for their pension payments.

The new commutation rate which currently stands at four per cent, applies to all commutations granted on or after January 1, 1986, the effective date of the inflation indexation of benefits under the Workers' Compensation Act.

The funding strategy of the board. The cornerstone of the board's policy on the financial side of its operations remains its commitment to the long-term funding strategy which was developed and announced some four years ago. The members of this committee may recall that the approach taken at that time was to seek to amortize the unfunded liability of the board's accident fund over a 30 year period. The mechanism selected to achieve that objective was to institute a surcharge of approximately fifty cents on top of the average assessment rate required to cover the full costs of each year's new claims.

Pursuit of this objective involved the implementation of a significant increase in the average assessment rate. Something in the order of 45 per cent, which would be phased in by way of a series of annual increases. It was expected that these would average about 13 per cent per year over a three year period, with more moderate increases thereafter until the rate eventually stabilized at its target level.

The rate increases actually experienced during 1985 to 1987 reflect this phase-in approach. Once it had reached this plateau, in the absence of significant changes in the ??, that is the inflation adjusted cost of the system, the average assessment rate would then remain constant until the year 2014 when it would fall upon removal of the fifty cent surcharge as the unfunded liability declined to zero.

Since 1984, the gap between the actual and the target assessment rate has been considerably reduced. The employer community has experienced significant rate increases over the last three or four years, but I am pleased to report that the worst now appears to be over, as indeed it was envisaged would be the case by this year when the strategy was first put in place.

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The improved outlook can be demonstrated in a number of ways. The 15 per cent maximum rate increase which applied for each individual rate group during 1985 and 1986, was reduced to 14 per cent in 1987 and to 10 per cent this year. Last year, for the first time in several years, some rates actually declined. This year, the numbers showing a decline has grown to 22 rate groups or about one fifth of the total.

In 1988, only 55 rate groups experienced an increase as high as 10 per cent. For 1988, the average assessment rate increase was 4.9 per cent, the lowest since 1982. About one half of the 109 rate groups have now reached their own individual target rate and face the prospect of little or no increase for next year, provided their claims cost performance does not deteriorate markedly in the intervening period.

The board's assessment rate strategy. In 1988, the 1988 assessment schedule was established following a lengthy process of consultation with employers across the province during the summer months. More than 70 meetings in all were held in 14 different regional centres and all employers...

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~~... established following a lengthy process of consultation with employers across the province during the summer months. More than 70 meetings in all were held in 14 different regional centres, and all employees registered with the WCB were invited to participate. The meetings provided a forum for the discussion of a wide range of assessment and related issues, and influenced the subsequent adoption of two other measures in conjunction with the 1988 assessment rates."~~

"Modifications were introduced in the method used to calculate maximum assessable earnings; of particular importance in situations where workers work for less than a full year. A greater degree of flexibility is now possible, with employers permitted to choose from two different methods in order to tailor the selected method to their own individual work situation."

"In addition, the board of directors approved the introduction of a monthly billing scheme on a pilot project basis in four industries; logging, construction, trucking and steel. The objective is to test the administrative feasibility, reporting convenience and economic implications of the scheme before deciding whether it should be extended to include other groups."

"Monthly billing possess a number of potential advantages: it allows assessments to be levied on actual rather than estimated payrolls, it helps to synchronize payments with the level of business activity, especially helpful in seasonal operations, and it should assist in ensuring that uncollectable assessments are minimized by reducing the time lapse between accident exposure and payment due dates. The new system responds to requests by several employers and employer associations for the board to consider alternatives to the traditional assessment approach. We intend to monitor it carefully before making a decision on its future."

"A further development flowing from the consultations on the 1988 assessment rate schedule was the establishment of an inquiry into the board's classification and assessment procedures as they affect the logging industry. The inquiry team, comprising of Jack Biddell, former chairman of the Clarkson Company, and Cliff Pilkey, former president of the Ontario Federation of Labour will, and indeed are in the process of consulting with logging industry representatives on their concerns and will submit their findings to the board of directors this summer."

"Consistent with the board's resolve to encourage safety in the workplace, and its wish to accommodate employers seeking greater equity in the collective liability funding system, the board co-ordinated the entry of seven new rate groups into its New Experimental Experience Rating Program effective January 1 of this year. This was based on a new framework for admission which was adopted by the board in 1987. There are now more than 33,000 employers in 17 rate groups participating in the New Experimental Experience Rating Program. A further rate group has already been approved for entry next year."

"NEER or the New Experimental Experience Rating Program, was developed in 1984 in consultation with employers in the forest products and petroleum industries in order to address employer dissatisfaction with the board's thirty year old voluntary experience rating plan. Employer criticisms related principally to the old plan's complexity and its lack of meaningful financial incentives to improve workplace safety."

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"The new program was introduced on the understanding that it was experimental and potentially subject to change in the light of practical experience with its operation. Until 1987, however, the program had only been amended once. Last year a number of important modifications were approved to reduce the complexity of the formula used to compute adjustments to basic assessment payments, to enhance its equity, and to upgrade its communications component."

"The board then conducted dozens of information sessions with the employer community throughout the province on the operation of the program, and, as I mentioned, assisted new rate groups to meet the terms and conditions for entry into the program in 1988 and 1989. This activity is ongoing. In fact, the board is currently discussing entry into the program in 1989 with a further six rate groups."

"Section 91(4). In December of 1987, the board of directors approved a new policy aimed at supplementing and reinforcing the commitment to improved health and safety performance exemplified by the experience rating program.

~~This new policy...~~

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~~approved a new policy aimed at implementing and reinforcing the commitment to improve health and safety performance exemplified by the experience of the program.~~ This new policy involves the application and enforcement of subsection 91(4) of the act, empowering the board to levy additional assessments against employers and not taking sufficient precautions to ensure safe working conditions. The two-year program will be instituted on a pilot project basis covering some 500 companies with a six-month introductory period to familiarize employers with the terms of the policy.

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While I have highlighted some of the major policy initiatives undertaken during the past year, there were many other policy- and program-related achievements that I might have added. These would include completion of the first phase of a planning and evaluation system to enhance development of health and safety education programs under the auspices of the Occupational Health and Safety Education Authority, development of a training program in conjunction with labour and the Ministry of Labour, as well as with employers, with respect to a workplace hazardous materials information system and the right-to-know legislation; again, the establishment of a board of directors investment committee and a new investment strategy for the accident fund; the launching of a publication called ??Communiqué reporting on the issues considered and the issues taken at board of directors' meetings and so on.

During the year as well, the Peat Marwick ??Consulting Group was commissioned to conduct a comprehensive study on the growth of workers' compensation costs in the 1975-1986 period. Their report, which was made publicly available in September, established a systematic framework within which to analyse the cost trends and to help quantify the relative contributions of key elements to the overall growth in costs.

After allowing for inflation and changing claims volumes, the report concluded that the annual growth in benefits during the period under study is about 4.6 per cent per annum, compared with a rise in administrative costs of only ??8.5 per cent per annum.

I would like to conclude my remarks with a brief description and some comments on the board's recently announced medical and vocational rehabilitation strategies. I regard both as extremely important steps in setting the stage for improving the availability and delivery of quality rehab services to injured workers and in facilitating the early return of such workers to active employment.

Two months ago, the board of directors considered a proposal for a medical rehabilitation strategy characterized by a three-tiered approach to service delivery consisting of a number of community-based clinics in conjunction with university-affiliated regional centres and a provincial institute. The objective of this proposal is to provide injured workers with appropriate medical rehabilitation services close to the worker's own community.

In formulating this new model of service delivery to injured workers in the next decade, the WCB identified a series of guiding principles to govern any new structures. These principles emphasize the need for the increased availability of timely, high quality, medical rehabilitation services, using

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the most advanced methods, delivered as close to the worker's own community as possible and integrated with other services in the overall provincial health care system. The need to draw a clear distinction between claims adjudication decisions and provision of medical rehab services is also explicitly recognized.

The medical rehabilitation strategy was developed in response to the changing expectations and needs of injured workers, to developments in medical technology and to the recommendations of the review team commissioned by the Minister of Labour (Mr. Sorbara) to examine the programs and administration of the Downsview Rehabilitation Centre. The centre will play a key role as the new strategy is implemented and I would like to take this opportunity to commend the staff at the Downsview facility for their commitment and dedication over what has been a difficult time in the history of an institution, which has done so much to assist injured workers.

Discussions are currently taking place, as the minister mentioned, with the Ministry of Health and with other appropriate organizations and individuals to examine the feasibility and the implications of the proposed strategy, including the conducting of a cost-benefit—

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~~taking place, as the minister mentioned, with the Ministry of Health and with other appropriate organizations and individuals to examine the feasibility and the the implications of the proposed strategy, including the conducting of a cost-benefit analysis. A report on the outcome of this exercise is scheduled for presentation to the board of directors within six months.~~

The board also initiated several pilot projects in 1987 to provide treatment and medical rehabilitation services to workers with musculo-skeletal disorders. Nine clinics have now been opened in various localities across the province and preliminary results are encouraging. Pilot projects have also commenced in two clinics to test the concept of behavioural modification in the treatment of chronic pain conditions.

The board also entered into discussions in 1987 with a community group in Sudbury to establish an experimental medical rehabilitation program for injured workers who have not recovered sufficiently to return to work within 90 days of injury.

A proposal for the provision of specified services on a pay-for-service basis was recently accepted by the board.

Vocational rehabilitation. The board's new vocational rehabilitation strategy is premised on a specific goal and that is to lessen the impact of work-related injury and disease by helping the worker re-establish as much as possible an earnings profile for his or her working life comparable to what it would have been but for the injury.

To achieve this goal, the board's new general approach to vocational rehabilitation involves, in order of priority, helping the worker to: (1) return to the pre-injury job with the accident employer; (2) to return to work with the accident employer in a job that is comparable to the pre-injury job; (3) to return to work with another employer in a job that is comparable to the pre-injury job; (4) to return to appropriate alternative work with the accident employer; or (5) to return to appropriate alternative work with another employer.

This is the framework for a policy that also establishes new principles for vocational rehabilitation service delivery: a new position of vocational rehabilitation case worker on the board staff, emphasizing the board's intent to work actively with the worker, the employer and the worker's physician in the rehabilitation effort; a new approach to social rehabilitation within the total rehabilitation context; and a process of monitoring and evaluating the effectiveness of this new approach. A more detailed proposal built around this framework, accompanied by an implementation plan, will be presented to the board of directors this summer.

I would also like to comment on some ongoing programs.

Fifteen employment campaigns were conducted in communities across the province that year to promote the hiring of injured workers by local employers. The work experience opportunity and injured-worker employment initiative programs were continued and also used to provide on-the-job training and new employment to injured workers within the board itself.

The board's work site analysis and modified work programs continue to be

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promoted, and there was a concerted effort by vocational rehab staff to liase more closely with local communities through participation in local advisory councils.

In conclusion—though it may not seem so—my review of the past year's activities of the Workers' Compensation Board only touches on some of the steps that have been taken to improve the province's compensation system. For example, I have not commented on the creation of a survivor's benefit system, the conversion of the WCB's computer system, plans for the establishment of direct deposit for pensions, a survey of the attitude of injured workers towards workers' compensation conducted by the board, new conflict-of-interest guidelines for board staff, a code of conduct for members of the board of directors, employment equity measures taken within the board, a new transportation policy and so on.

All of this has taken place while continuing to maintain a responsible approach to the board's administrative budget. After allowance for inflation and the one-time implementation costs associated with the board's new Windsor regional office, the administrative budget for 1987 remained constant as compared with the previous year. The 1988 budget exceeds last year's only by an inflation factor of 4.3 per cent.

In retrospect, the past year has been one of great achievement. The organizational changes and developments now in place signal the board's intention to realize its commitment to provide improved service in a more personal and timely manner and to honour its obligation to its clients...

R-1630 follows



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(Dr. Elgie)

~~The organizational changes and developments now in place signal the board's intention to realize its commitment to provide improved service in a more personal and timely manner and to honour its obligations to its clients under the Workers' Compensation Act responsibly and efficiently.~~

1630

I have presented this summary—and as I pointed out, it is by no means complete—of the board's operations in order to make a few essential points. If there are systemic problems within the Ontario compensation system, we are determined to resolve them. If there are organizational inefficiencies, we will endeavour to correct them. If our policies no longer provide adequate guidance for our operational decisions, then we will review them, consult with affected clients and chart a new course.

Mr. Chairman: I would suggest that we treat this as a bill or a set of estimates and allow the two opposition parties to have a go. I would just remind the committee that Dr. Elgie and Mr. Sorbara will not be before the committee tomorrow. The workers' compensation appeals tribunal will be here tomorrow, so we may have to discipline ourselves in the length of time we take.

Mr. B. Rae: I want to make it clear to my friends in the Conservative Party that I will not be taking all the time and will endeavour to share it as best I can, as well as with my other friends.

I just want to make perhaps a few general comments, if I might, and then I will have some questions for both Mr. Sorbara and Dr. Elgie. They may have some answers today, and if they do not, perhaps they could provide them to me in the course of events.

The first comment I want to make is that my differences with the government and the board are real. I think I have a very different perception of how injured workers continue to experience the board. It is from that perspective that I hope my remarks will be taken.

I also want to say to both Mr. Sorbara and Dr. Elgie that I really do not think a pure and simple reform of the Workers' Compensation Act can deal with some of the problems that I have encountered and I am sure many others have as well.

I would just like to say categorically for the record that I am convinced that a sickness and accident compensation plan that is comprehensive, that extends to people who are injured, however they are injured, and that assures them of compensation as well as rehabilitation on a comprehensive basis across the province is essential.


Unless we do that, we are not going to be able to deal with the number of claimants who continue to be denied benefits because it is alleged they have not had an accident. We are going to continue to ignore and not compensate individuals because the board has yet to find that their injuries are of a compensable nature. In particular, we are going to dramatically undercompensate people who suffer from occupational disease for the simple reason that the board, in its wisdom, feels it cannot establish a clear relationship between an occupational disease and an event that extends from the workplace. I am persuaded, in terms of what I have seen and the

experiences I have seen, that for us to change the act will not solve these problems.

I hope some of my criticisms and comments will be taken in this light. I honestly think we have to reassess, at this stage in our life as a province, our whole approach to compensation. As I have said, I think we should be looking at a universal plan that provides for compensation and rehab to people who are injured or to people who are suffering from a long-term disability, regardless of how that accident or disability is caused.

That is perhaps a subject for debate on another day, but I noted with interest that the Liberal Party, at its convention in Ottawa—among other things that I noted with interest—passed a resolution saying this was something that should be looked at. I might point out that the Liberal Party of Canada passed a resolution calling for a universal health plan in 1919 and it did not get implemented ~~until~~

R-1635 follows



~~this was something that should be looked at. I might point out that the Liberal Party of Canada passed a resolution calling for a universal health plan in 1919 and it did not get implemented until 1968, so I am hoping very much that it will not take 50 years for this provincial Liberal Party to implement the kind of plan which they at least discussed at their convention in Ottawa very recently.~~

Perhaps I could focus particularly now on what I think the experience of many people is with the board. The particular focus I want to place is in two or three major areas.

The first is people whose claims are denied in total from the very beginning, because the board fails to find an accident or because the board feels that a connection cannot be made between the disability and either an accident or an event or a problem in the workplace. I would like to ask a number of questions and then leave them with you for an answer rather than do a simple back and forth.

The first one, I guess, is to look at the question of miners' claims, which Dr. Elgie referred to in his report. I would like to have the number of claims that have been accepted under the gold mining and lung cancer claims.

The second point I would like to make--and a question follows from it--is that in addition to the number of claims that have been recognized, can the board tell us why they continue to refuse to recognize a connection between other forms of cancer and exposure to gold mining. Dr. Muller's study, as I am sure Dr. Elgie will recall, shows a statistical correlation or a statistical abnormality in the incidence of stomach cancer among miners. I think it is fair to say that we still do not have any claim for stomach cancer recognized, not only in terms of gold miners but in terms of any miners at all.

I wonder if Dr. Elgie could confirm that fact, and in giving us those numbers, if he could compare those numbers with the estimated number of deaths from cancer as they have been presented to the board. In other words, how many claims have you accepted and how many have you rejected.

Mr. Chairman, I hear the bells ringing. Can we take five minutes?

Mr. Chairman: It is the division on Bill 116, the northern heritage fund. Perhaps we will ask the clerk to find out how long it is anticipated the division will be. In the meantime, we can go ahead.

Mr. B. Rae: That is, in a sense, the particular issue with respect to occupational disease that I want to tackle.

I guess my next basic question with respect to occupational diseases is how the board intends to deal with the growing number of claims and just to say to the board and to the minister that, admittedly, no jurisdiction has been able to do it. It is not easy. But I think there are a troubling number of cases. Indeed, they would be in the hundreds. If one looks at Dr. Yassi's report; one would say even in the thousands. Her estimate is some 6,000 people who die every year from an occupationally related disease. We have nowhere near 6,000 pensions being awarded or survivor benefits being paid.

Just how does the board intend to tackle this problem, on a statistical

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basis, of the very major undercompensation of people suffering from occupational disease? How does the board intend to deal with this?

Frankly, I would like to hear from the minister and Dr. Elgie as to whether they feel I am right to say that perhaps we are unfair to be expecting that the board will produce this money. If the board is not going to be producing this money, what kind of a plan could we introduce that would allow it to be paid? I know all the pressures on the board in terms of costs and I understand employers are going to be say, "Do not ask us to pay for it if you have not even proved a statistical correlation between my workplace in 1962 and the fact that Joe ??Boggs has now got cancer."

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(M. B. Rae)

~~on the board in terms of cost and I understand employers are going to be saying, "Well, look, do not ask us to pay for it." If you have not even passed the statistical correlation between my work place in 1962 and the fact that it has now got cancer. But I guess the question then becomes: Well if the board does not pay for it and if the employers do not pay for it generally through an increase in their assessment, how do we, as a society compensate those people and those families for that disability? And it, as I say, the problem is not going to get any better, it is going to get dramatically worse if we look at some of the troubling statistics in terms of the incidents of cancer and the ways in which cancer can be related to changes in the makeup of the workplace.~~

1640

The second major, I guess, thrust of questions I would like to ask has to do with my experience with the board is that again, one can identify a group of people who are generally under compensated and generally speaking, the people who are under compensated are older workers who have a very difficult time getting back to work. And if I may say so, my experience, and it goes back now 15 years, in dealing with the board, has been that the board does a very good job and I say this without hesitation, in dealing with a discrete accident taking place at a particular time in relation to the payment of partial benefits.

In fact, I think the board does a remarkable job in terms of the speedy payment of benefits to somebody who is off work with a broken arm or a broken leg and for whom one can say you will be back at work in two weeks or three week or a month or two months. The more difficult problems, and where I think all members of the Legislature have cases, and they say so coming out of our ears, and where over a generation I have had more than a few, the most difficult problems are those involving longer term disability, permanent pensions and the problems of workers who need rehabilitation. And this is the area where I would be most critical of the board, and where, in saying that I am also aware of the fact that ??Peat Marwick has identified in its report of September of 1987, that the two areas in which the board's cost were greatest, in terms of its overall increase, and this is in the cost study of which I have only the summary report of September 1987, where they said that the two areas where the board has particular problem with the respect to controlling costs, are precisely in these areas. In the areas of the payments of supplements, which you referred to Dr. Elgie, in your report to us and in the area of rehabilitation which I think it was this frustration with rehabilitation which lead to the—I see that the Chairman is about to throw his gavel at me, so I will just stop and say that I have a real problem with another committment in my riding but I would like to come back, if we can and focus on these two questions.

Mr. Chairman: Thank you. We have been given indication that the bell is ten minutes or less and that we will be back here within 15 minutes, at which point we will continue. We are adjourned until then.

The committee recessed at 4:43 p.m.

(R-1700-1 follows)

1702

The committee resumed at 5:02 p.m.

Mr. Chairman: The committee will come to order. We have disposed of the northern heritage fund. There is no immediate election. We will go back to the remarks by Mr. Rae.

Mr. B. Rae: I was saying, before I was interrupted, my experience with the board has really been that the older worker suffers, particularly the worker with a permanent disability. I cannot limit it to the question of back disabilities, but I think we are all aware that chronic back problems are probably the hardest cases that we have to deal with, and that basically the undercompensation of the older worker with a permanent partial disability remains the most persistent problem of undercompensation in the current system.

I would add that I share the unhappiness of Mr. Majesky and Mrs. Minna with the rehabilitation efforts of the board. I must say that I also share Mr. Majesky's sense that the board's response so far, and I might add the government's response, to his report has been inadequate, and that we need a new law to deal with the rights of workers to rehabilitation and reinstatement.

If I could return to some particular questions—

R-1705 follows

(Mr. B. Rae)

~~to deal with the rights of workers to rehabilitation and reinstatement.~~

~~If I could return to some particular questions,~~ I know that Dr. Elgie says that subsection 45(5) has been misunderstood. I do not think it has. I think that the board, without being required to by any court or any tribunal, on the basis of its own legal opinions, decided to cut back in the granting of supplements under subsection 45(5). I particularly would like to know, under the new reading and interpretation of the application of subsection 45(5), how many supplements have been granted and how many have been refused, and I would like to know how that number compares with the position prior to November 9, 1987.

I might add that I do not think even at my young age, far too young to become paranoid—I might point out that it was shortly after the release of the Peat Marwick report, which talked about the fact that pension supplements and vocational rehabilitation were two areas which the board had to get things under control, that the board's first response took place, some short two months after the Peat Marwick report, and it related directly to this question of supplements.

I have a few other things I would like to say in response, particularly, to Dr. Elgie's report. If I may say so, without being too scathing, that even though I disagree with it, I at least find it slightly more substantive than I do the comments made by the minister.

In relationship to chronic pain, we have the 14 cases—or 15 depending on who is counting—which are still outstanding. When can we expect a decision from the board with respect to those outstanding cases?

That takes me on to subsection 86(n). I must say that I am as troubled by this section of the act as I am by any because it does take away from the ability of the Workers' Compensation Appeals Tribunal to make independent decisions. I am particularly troubled—This perhaps is a good point for me to turn to this document, which came into my hands and which we have been rummaging through for some time, entitled "Proposed Changes to Act, November 1987," which the minister said in the House today was, and I quote, "a low-level document produced by some low-level official in the board."

Interjection.

Mr. B. Rae: Yes, he did. I do not know whether that means it is somebody who will be at a low level tomorrow or whether at some subsequent time. I have no idea.

Mr. Wildman: Or whether he was talking about their character.

Mr. B. Rae: I do not know. My interest in this one is, first of all, I would obviously like to know the status of this particular document and how it relates both to the board's and the government's plans for amendments to the act. We have had a minister say on the record that he is planning some amendments to the act to deal with ??Wiler and pensions and to deal with rehab. It would be nice to know what the relationship of this document is to that particular review process.

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One of the things that troubles me here is that the recommendation that is contained in this document is that subsection 86(n) be amended to make it clear that the board of directors' determination is binding upon WCAT. In other words, they do not think the working of subsection 86(n) is strong enough. They, in fact, want it to be even stronger in terms of the board's power to overrule the Workers' Compensation Appeals Tribunal.

I am, to put it mildly, very troubled by that. I would like to see subsection 86(n) be amended by being thrown out the window. I do not have the troops at the moment to make that happen, but I still think it's— I guess my question is: What is the status of this document overall, precisely when can we expect amendments to the act, and what subject areas will they cover?—

R-1710 follows



~~... what is the status of this document overall? Precisely when can we expect amendments to the act and what subject areas will they cover?~~

1710

Hon. Mr. Sorbara: If I can just reiterate what I said in the House in clearer and more precise terms, there is absolutely no relationship between that document and the legislative amendments that I hope to bring forward later on in this spring session, absolutely none whatever.

Mr. B. Rae: OK. What will the amendments that you are planning to bring forward cover, what subject areas?

Hon. Mr. Sorbara: On that, I think I just want to point to the Hansards that I have given in the House and the statements that I have made publicly. Unfortunately, the member will have to await the presentation of the bill for detail. I told him in the throne speech, and I have said on a number of occasions, I hope to bring forth amendments that deal with full and partial disability with the issue of vocational rehabilitation, with the issue of reinstatement and some auxiliary matters.

Mr. Miller: ??Do you have any patients?

Mr. B. Rae: I have lots of patients. I have even more constituents who are waiting ??without any more clients. That gives us something to wait for in any event. We still do not know, I guess, whether those amendments will be tabled in time for us to be discussing them this summer?

Hon. Mr. Sorbara: I cannot really say. I do not control the agenda of the House, but I do not know how long parliament will be sitting into the summer. My expectation in terms of timing is to present a bill in the latter part of June. I cannot say that is going to happen, but that is the timetable that I am working on.

Mr. B. Rae: If I could just turn to the rehabilitation problem both in respect to medical rehab and vocational rehab, and again some questions for Dr. Elgie. What is the average case load now of a vocational rehab worker, and how many permanent pension cases does the board expect to place or how many did you place last year and how many do you expect to place this year? I ask these questions because—again, I do not want to be uncharitable—we have heard the rhetoric of your policy, which is very general, and I think all of us can say that sounds great.

I guess what my experience is in dealing with the vocational rehab branch and the frustration that I and my constituency assistants have is that when we deal with it on a case-by-case basis, it takes forever, and frankly, the workers who are there are so dramatically overworked in terms of the volume of their case loads that they are unable to provide the vocational rehab response that we need. I just state on the record that unless the act is changed to deal with this question of rights to employment and rights to reinstatement and unless the act is reworded so that the discretionary power of the board is no longer discretionary but there is a commitment and a requirement that the board will, in fact, offer vocational rehab services, we are not going to make the progress that we need.

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One final point I would like to discuss and just get some clarifications on from Dr. Elgie is the question of medical rehab and the status of Downsview. I take it when you talk about a discussion that is currently taking place with the ministry. I will just make one comment and then perhaps elaborate a little bit.

I think it is very troublesome, to put it mildly, that there are probably more doctors out there who are experts in sports-related injuries than there are doctors who are knowledgeable in the area of occupational disease and occupational rehabilitation, that the mandate of the board has been confined to Downsview. I very much would like to see it extended into the community and, in particular, I would like to see it extended into our university community so that we have a consistent strategy that looks at medical schools, that looks at medical training, that looks at a new attitude to the importance of occupational health and safety, and gives it overall a higher priority than it now has with respect to medical rehab, and to say that I can personally see Downsview playing a critical role in that formulation. I think the criticism of Downsview has been focused on the fact that it has always been experienced by injured workers to be a place...

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~~critical role in that formulation. If the criticism of Downsview has been focused on the fact that it has always been experienced by injured workers to be a place where you go to get cut off, as one of my constituents once put it to me. I said, "Have you been to Downsview?" He said, "I don't want to go to Downsview. That's where they send you when they want to cut you off." And I think that is sort of the word on the street about what the problem with Downsview was.~~

If we separate out entitlement from rehab, which is, as I understand it, an important thrust of what you are trying to do, that is an important advance. But again I would stress that unless you have got a comprehensive strategy to deal with the expertise that is there, which you do not want to lose, but at the same time ensure that it is diffused and, I might add, make sure that it is in the communities where people can have more access to it, that seems to me to be the direction that you should be headed.

Finally, I just say to the minister and to Dr. Elgie that every time I think things are getting better, I come up against a case like Mr. Ianuzzi which I heard about last week and asked him to come in and see me. A 63-year old worker from ??Toronto Refiners and Smelters whose blood levels for lead even after being out of the workplace for four years are four times the acceptable level. I have raised this case with the minister when I met him in the hall yesterday. He is 63, he has just been told that he is going to get cut off permanent-partial as of June 6, 1988 and the board has, according to my information, no plans to award him a permanent pension. He is going to be cut off temporary and that is it.

Dr. Elgie: ??Is it permanent?

Mr. B. Rae: Nothing on rehab. He has been told he has to go find a job. He is not getting any help from rehab and he is not going to get a permanent pension. I again say that like a lot of caseworkers and much of what I say, I am talking like a caseworker because ultimately, that is what all of us as MPP's are, you can make all of the improvements in the system that you want, but if people keep falling through the cracks, you are going to have a problem and so are we. I would just bring that case to your attention as an example of an older worker with a permanent disability who is a classic case of somebody who just has not been well served by the board and would hope very much that we can make the changes in the law—realizing they are not going to happen tomorrow, but also feeling very strongly that they have to happen—so that people like Mr. Ianuzzi will get compensation. I know that my colleagues will have some questions but that is enough for me for the moment. Do you want to comment?

Mr. Chairman: Do you want to respond to Mr. Rae now or can you stay?

Dr. Elgie: I think I will respond---

Mr. B. Rae: I have to go soon. I have some appointments in my constituency office—more cases—but if you can give it to me in a few moments in terms of—

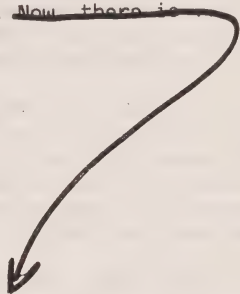
Dr. Elgie: I would be pleased to because there are various points and general comments. You have talked about the fact that as long as we have a

work-related ??mistest, we will have to read all through the facts because they have occupational illness or disease or consequences of an accident that are not related to the work and that is true and the issue of the comprehensive sickness and accident plan was one that the legislators will have to face.

There is no doubt that the point you make about occupational disease in the workplace being a very difficult problem is a very valid one. The reality is that it is often many many years later in the case of the goldminers, looking at somewhat—40 years that it has taken since 1945 to mount an epidemiological study which has resulted in the compensation of gold miners who, by and large, are now dead, and who have so many widows surviving. We hope to be able to compensate. But it is a difficult problem because at the time there is no doubt they had cancer and there is no doubt that they were suffering a disability from it and there is no doubt that it was impacting on their lives both monetarily and in other ways, but compensation must relate, under our present scheme, studies that related to the workforce.

And on the other side of the coin, we have employers who do not know for 40 or 45 years that circumstances in the workplace led to that occupational disease. They had no way of going back to correct the situation that brought it about and yet they are faced with the assessment rate increases and have paid for the costs. For example, in the case of goldminers, we estimate that it will cost something in the neighbourhood of \$35 million. Now there is

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~~they are faced with the assessment rate increases and they pay for the costs. For example, in the case of goldminers we estimate that it will cost something in the neighbourhood of \$25 million. There are some protections built into the system in that there are certain maximums that relate to assessment rating increases from situations like this, but never the less, over the long run, today's employers will pay for what happened many years ago and those who suffered it by and large are not here, but many of their widows are.~~

1720

You have raised a number of questions and many of them I would like to perhaps respond in another forum, but you did raise one that is close to my heart and you said there are more doctors interested in sports medicine than there are in occupational disease and rehabilitation. I think that is right. It was about a year ago now that the dean of medicine, here in Toronto, at my request invited me to join the Faculty of Deans of Medicines of Ontario, to discuss this very issue with them.

A task force was established by the deans to determine what ways and means might be introduced to improve the knowledge base of medical students in the area of occupational disease and to improve the knowledge base of those doing post-graduate training in that area. I am advised that many of the medical schools now have commenced taking steps to improve their capacity in the area of occupational disease, and I think that is a very important step.

I think it will be helped by the fact that this year I believe, in September, is the first year that there will be formal fellowship exams in the area of occupational medicine. I think the impetus that is coming from the medical schools, plus the Royal College of Physicians Surgeons, now establishing a fellowship in occupational medicine, should greatly enhance the knowledge base out there in the community.

That still does not solve the problem of better instruction of physicians in communities today about occupational disease and that certainly is an area that needs another day and needs some other activity to work on.

Many of the questions you have asked would require some review of data and I would be pleased to do that and if it is acceptable to you, I will get in touch with you.

Mr. B. Rae: Could I just warn the minister and the chairman of one other set of questions that I would like to deal with is also the question of the Industrial Accident Prevention Association and other industrial accident associations and whether there are any plans in the works for some revisions with respect to worker participation, or whether there is some other model of administration of health and safety that the government or the board has a mind?

Hon. Mr. Sorbara: Yes, Mr. Chairman, I would be interested in that discussion. I am not in a position to discuss in detail what the government's agenda might or might not be. I know that Mr. Rae has to leave very shortly so I just want to make a few comments and we will continue this at a later date.

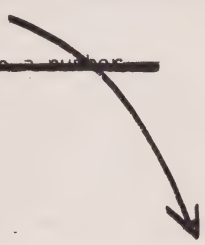
I am glad that he was aware of certain discussions that were going on at our party's convention a few weeks ago. It is interesting what he says about a

universal accident and disability system. Obviously there are great attractions to that. I know that you, yourself Mr. Chairman, were making comments about the program in New Zealand, but we should know that the grass is not necessarily always as green on the other side of the fence as it might appear to be. In fact, that system, although perhaps may be, who knows, more appropriate than the system we have right now, does not for example deal with occupational disease at all and is severely limited in that regard. It also has its problems of funding. It also has its administrative problems and it also gives rise to a great deal of complaints, not that perhaps that is not the future. I cannot really comment in this context on what the future will be like in terms of appropriately compensating people who suffer sickness or disease in our society and what the perfect model would be.

I simply tell this committee that my approach as minister is this. There is an important degree of separation between the gentleman sitting to my left, that is the board, and their responsibilities administratively, and my duties as minister. The board obviously did not, in fact Dr. Elgie in his remarks did not identify a major program of reform. He talked about what reforms had been made and by and large the government supports those reforms and is enthusiastic about the directions that the board is taking in administering more effectively to the province.

~~It is my view that there are a number~~

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(Hon. Mr. Sorbara)

~~program of reform. You talked about what reforms had been made, and by and large the government supports those reforms and is enthusiastic about the directions the board is taking in administering more effectively to the province.~~

It is my view that there are a number of reforms in this system of compensation that need to be made, but my approach as minister has been, is, and I think will continue to be, to approach reform on the basis, as I have said before, of digestible chunk by digestible chunk. There are a number of issues that this government is going to have to grapple with in the future and my approach is to deal with those one at a time.

That is why I have said we are going to come forward with a series of legislative amendments. They will not answer all the concerns. They will not perhaps deal with things like occupational disease, which as the chairman said are very troubling. I think I can be frank with you and say that we do not have any magic answers yet, although I am happy with some of the progress that has been made in a number of different quarters, including the industrial disease standards panel and some of the directions in which they indicate they may want to go.

I am very sympathetic to what the Leader of the Opposition has said about undercompensation, particularly undercompensation of older workers. Although one has to have a system that is governed by rules, regulations and procedures, the magic of the system will be that the system and the administration of that system can be sensitive to the particular needs of a particular individual living under particular circumstances and having suffered a particularly unfortunate set of circumstances.

As I approach the business of reform, I tell the committee that I really do try to keep that in mind, on the one hand that we have to have a system that is governed by procedures and all of that, but at the same time we very much need a system that is individually sensitive to the realities of individual cases.

I expect that Dr. Elgie, in his role as chairman, will respond more directly to the substantial issues of how many people have and how many people have not. That is not really something I am charged with in my responsibilities, but the direction I am going in is for a better and better system, and it is going to take some time.

The Tory critic not being here—

Mr. Chairman: He is speaking in the House.

Mr. Wildman: I imagine Mr. Pope will be back shortly, but I would appreciate it if I could follow through with some questions.

I would like to concentrate on the relationship between the Workers' Compensation Board and the ministry and I would like to direct some questions to the minister. I am particularly interested in his comments about reform in digestible chunks.

I would like to refer to a particularly indigestible chunk, which was the one mentioned by my leader related to subsection 45(5) and the changes

Mr. Wiloman

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that were made there. First, I would like to know what input the minister and the ministry had into the significant changes implemented by the board on supplements.

Hon. Mr. Sorbara: I am not sure if the member has specific questions about input from the ministry. I am not sure if he is suggesting that in the interpretation of a statute, where the body that is charged with the responsibility of applying that statute determines, upon its own investigation, that the appropriate interpretation of the statute is something other than the way it has been interpreted and has been applied to the client group of the board; that for some reason or other the ministry, the minister or the government should say, "We feel you should not be doing that."

We are a society that has chosen, appropriately, to live by the rule of law and the appropriate interpretation of that law. Obviously, one of the things that as a government we would have to consider, if we beleived that subsection 45(5) as currently being applied was not the way in which government wanted the policy to be implemented, it would proceed with a legislative amendment.

We had a great deal of discussion between the board, myself and my ministry staff. The discussion was, in effect, a review of the analysis that the board.* *

R-1730 follows



(Hon. Mr. Sorbara)

1730

~~between the board and myself and my Ministry, about the base of the discussion was in effect a review of the analysis that the board had within its own shop so that as a minister and within the ministry we could satisfy ourselves that the interpretation that the board was proposing to adopt was the appropriate one. But it was not, I tell my friend, it was not a matter of political bartering, that is that is not good for us as a matter of politics. So we do not want you to interpret the law on that basis.~~

Mr. Wildman: No, I am interested of course in the fact that in November 1987, the board introduced a reduction in supplements available to injured workers with permanent pensions who are cooperating and are available for rehabilitation programs, but then, in early 1988, decided to continue to pay workers who were receiving supplements prior to November 9, 1987, under the old more generous policy and thus treat two sets of workers differently.

I would like to know whether or not the ministry had, in your discussions with the board, on this interpretation, whether the ministry or the minister himself, indicated that they supported this approach with regard to injured workers and rehabilitation whether it be medical or vocational or not.

Hon. Mr. Sorbara: In respect to subsection 45(5)?

Mr. Wildman: Yes.

Hon. Mr. Sorbara: No, as minister, I did not indicate at any time that we either supported or did not support the board's interpretation and application of subsection 45(5). It is the statutory responsibility of the board to interpret and apply the act. Because it was a matter of important public interest, I had discussions with the board so as to become fully conversant with their understanding of what they were doing and their analysis of subsection 45(5). But at no time did I suggest that the interpretation was right or wrong. That is not my responsibility. That is the responsibility of the board and appropriately so.

Mr. Wildman: Ok. Then basically what you are saying, through the Chair, Mr. Minister, is that your discussions made you aware but that you did not comment on whether it was acceptable or unacceptable in your view to take the decisions that were taken with regard to the supplements under subsection 45(5). Can I ask the minister then, Mr. Chairman, if he agrees with what the board did?

Hon. Mr. Sorbara: I do not have any comment to make on that, Mr. Chairman. I agree that it is the obligation and the responsibility and jurisdiction of the board to interpret and apply the act. The appropriate forum for a determination as to what the correct legal interpretation of subsection 45(5) is, would be a court of law. It may well be that a court of law will review the board's interpretation and make a final legal interpretation of subsection 45(5). But it would be inappropriate for me to say that I agree or disagree with—

Mr. Wildman: Well, certainly it is appropriate though for the

Mr. Wilman

minister in considering amendements to the act, to determine whether or not he thinks this is appropriate and to determine whether or not the act, if the minister accepts that the board has interpreted the act correctly and does not agree with what the board has done to change the act.

Hon. Mr. Sorbara: Well, there you are into a whole other area of discussion, Mr. Chairman. If the member is asking me whether I am concerned about the fact that some people, who are receiving pensions, as a result of permanent but partial disabilities are under compensated under the current system, I would say to you, " Yes I am concerned about that." And that does impact on the application of subsection 45(5). It may well be that we are able to address some of those problems of under compensation in the Legislative package. I cannot tell you that with any security right now, but I am concerned. I am not concerned that the board has overstepped its jurisdiction or somehow not appropriately fulfilled its statutory obligations by...

(R-1735-1 follows)



(Hon. Mr. Sorbara)

~~... security right now, but I am concerned. I am not concerned that the board has overstepped its jurisdiction or somehow not appropriately fulfilled its statutory obligations by announcing a reinterpretation of section 45(5).~~

Mr. Wildman: Thank you, Mr. Chairman, I have a couple of questions for Dr. Elgie which follow on the comments that were made by my leader. I do not know whether he can give this information now, but do you know how many workers have received supplements under section 45(5) according to the November 9 policy, and how many workers have continued to receive supplements under the more generous pre-November, 1987 policy?

Dr. Elgie: We should shortly have some of that information available for you. But if I may, I might just make two or three comments on this area. Firstly, may I say that the issue of the correctness of the board's interpretation of section 45(5) is an issue that is presently before the Workers' Compensation Appeals Tribunal, and I know that is being argued. The member will therefore understand that there is some reticence to get into strong opinions on the issue, since those will be discussed in detail at those hearings.

Mr. Wildman: If I may; I did not ask Dr. Elgie for his opinion, I just asked him for some numbers.

Dr. Elgie: If that is all you want then I said we would have the numbers shortly.

Mr. Wildman: I am not trying to cut you off.

Dr. Elgie: You do not want to hear about that issue.

Mr. Wildman: I am not trying to cut you off on that. It is just that I realize that we do not have a lot of time here.

Dr. Elgie: Quite right.

Mr. Wildman: OK. I would like to ask the minister on one other area. That is specifically on ??vocational rehabilitation. I know that the minister mentioned in his leadoff, the report of Ms. Minna and ??Mr. Majesky. I would like to know, since this was a report that was commissioned by the ministry rather than the board, did the ministry respond to the task force report, and if so, in what way.

Hon. Mr. Sorbara: The member is right, my predecessor did commission that study. The study has been the subject of a great deal of discussion. A number of people have relied on the study to point up some of the current weaknesses in vocational rehabilitation within the board. Others, I tell you quite frankly, have had some rather substantial criticisms of the report. To take the report at its face value, I think it did make some very important points. I think it left out some very important issues as well.

The ministry and the government's response can only be by way of legislation or regulation. Our relationship to the Workers' Compensation Board is, in some respects, that of a reporter to government and to the Legislature and, obviously, as the instrument through which policy changes come about.

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We are considering what the report has said, as we consider legislative amendments to the Workers' Compensation Act. It is important to point out, though that many of the recommendations of the ??Minna-Majesky Task Force report dealt with administrative matters wholly within the competence of the Workers' Compensation Board. Others, in fact, are completely outside of the administrative confidence of the board.

I report to you, as the board has reported to me that a good number of those recommendations have already been implemented by the board. That is not to say that everything that needs to be done on vocational rehabilitation has now been done. I think we all acknowledge that far more needs to be done and that as a government, our policy has to be to effect faster and better reintergration of injured workers into the workplace. That is very easy to say, and in the case of individuals, real, live human beings who have had the tragedy of a workplace injury affect their lives, sometimes it is not very easy. Sometimes it is very, very...

R-1740 to follow

(Hon. Mr. Sorbara)

~~the case of individuals, real, live human beings who have had the tragedy of a workplace injury affect their lives. Sometimes it is not very easy. Sometimes it is very difficult. It is fascinating how quickly, within government, we can say, "Vocational rehabilitation; just use it."~~

1740

We have looked at the experience of some other provinces that are experimenting in that area and their results are mixed, as you can well imagine. We are determined to do more. I think in that regard, both the government and the board are singing from the same hymn book. But it would be foolish to expect that the system, whether through government policy initiatives or by some administrative changes in the board, could instantly become world leaders in the area of vocational rehabilitation. It is challenging for every jurisdiction that tries to do it and one never has the kind of success rate that one would want, because again, you are dealing with real live people with very real problems that do not have answers that can simply be looked up in a vocational rehabilitation manual.

Mr. Miller: You mentioned there were 5,289 injured workers who are back in the workplace. How is that compared to last year and maybe the last couple of years? Is that moving up?

Hon. Mr. Sorbara: I do not have the precise numbers for that, but my recollection is that the numbers are higher this year than last year. There are, of course, more clients of the board this year than last year. That is unfortunate. It means there are more injuries in the workplace. It also reflects the rather dramatic increase, year over year, for the past three or four years in the Ontario workforce. There are a lot more people working. Our unemployment rate is dropping rather dramatically. In many cases, these are new entrants to the workforce. The chairman will correct me if I am wrong, but I think the instance of accidents is higher among new entrants into the workforce.

Mr. Miller: Just in our own area, where a trucking firm, ??Slack Transport, has taken on a paraplegic, a young chap, who was a truck driver, and he is now dispatching. He is putting in ??facilities so he can get access to the office, and I believe he has taken on two people within the last few months. That is a scenario that we have tried to work with in our area, in our constituency, to get these people back into place.

My other question is, within the Workers' Compensation Board itself, have you taken on new employees, to provide opportunities, to use their expertise to get other people back into the workplace? Has that been on the increase?

Hon. Mr. Sorbara: I think the question should be appropriately answered either by the chairman or the vice-chairman.

Dr. Elgie: I think in a general way. You are talking about two sets of figures really. We have employment activities, hunting for job opportunities, going on at all times during the year, but also in 1987 we ran 15 employment blitzes, which are week-long campaigns. As a result of those combined activities, as the minister mentioned, something over 5,000 jobs were identified as jobs that workers might be placed in. Something in the

neighbourhood of 2,000 were placed in those jobs.


Those are jobs that flow from that particular type of campaign and activity. Overall, there is something in the neighbourhood again of over 5,000 employees who return to work either through that activity or out of a job training or other formal education program, or they go directly into work without going through that type of placement activity, or where they go to a job that they have found on their own, or where they return to their former employer. For instance, the overall statistics in Ontario show that close to one half—really about two out of five—will return to their own employers, and that is included in the overall figures.

In general, the number of workers who return to employment has shown a steady increase in the program—not as much as we would like—and we think an improved vocational rehabilitation program can heighten those figures.

Mr. Wildman: The minister has indicated that the board does its own hiring. Can you give us some figures on that?

Dr. Wolfson: I do not have the precise figures, but I think an illustration is in the opening of our new Windsor office. We do have a very aggressive affirmative action program to hire injured workers within the board itself. When we opened the new Windsor office, a little in excess of 10 per cent of all the . . .

R-1745 follows



(Dr. Wolfson)

~~... office. We do have a very aggressive program, affirmative action program to hire injured programs within the board itself. When we opened the new Windsor office, about 10 per cent, a little in excess of 10 per cent of all new hires were in fact injured workers.~~

Dr. Elgie: When the decision was made to open up the four new regional offices, Gordon, we approached the human rights commission and got an approval for an affirmative action program with respect to injured workers in the new regional office we were opening. As a result of that, in each of the regional offices, of the new hiring that took place, something in the neighbourhood of 10 per cent. Sometimes eight or seven, sometimes 11 or 12, but something in the neighbourhood of 10 per cent of workers hired, newly hired, were injured workers. So, we do make an effort to hire injured persons.

Mr. Wildman: The minister made reference to the fact that the board has indicated that the majority of the recommendations of the report, ?? "An Injury to One is an Injury to All" which made 84 recommendation that the board has implemented most of. Surely he is also aware that there seems to be a significant difference of opinion between Dr. Elgie and Mr. Majesky on this goal. I understand that Dr. Elgie has indicated that about 85 per cent of the recommendations were acceptable, in the general thrust, at least. But Mr. Majesky, in his media conference, stated that the new approach to the board, in effect, rejects 73 of the 84 proposals. There obviously is a major difference of opinion and I would like to know what discussions, if any, the minister has had with Ms. Minna and Mr. Majesky as to their view of the board's response to the report.

Hon. Mr. Sorbara: Mr. Chairman, tell my friend first of all that I have had very long, and I think, interesting and effective discussions, both with Ms. Minna on the Ontario Task Force on the Vocational Rehabilitation Services of the Workers' Compensation Board's report with Mr. Majesky, and with the task force members as a whole. They spent a lot of time and gave a lot of themselves in preparing that report.

I really do have to say, with all due respect to Mr. Majesky, that his analysis of how many of his recommendations have been implemented by the board—already by the board—as administrative matters cannot possibly be based on his personal analysis, because he is not running the board. He does not know what changes are being made within the board.

With respect to him, his comments about whether or not the recommendations that the task force made are being implemented or not, were based on a very quick review on the board's future strategies towards vocational rehabilitation, which do not annunciate particular steps to be taken but describe a framework within which to achieve the very objectives that highlighted the task force report: early intervention; a more holistic approach to dealing with the individual plight of individual workers; community based approaches that helped injured workers solve their vocational rehabilitation problems within their communities.

I have a very great deal of respect for the co-chair people of that task force report and for the work that they did. But the suggestion that the board is ignoring the report, is simply inaccurate and, I think, unfortunate.

Mr. Chairman: Mr. Wildman, two points. One, I wonder if you could make sure you leave time for a question for Mr. McGuigan and secondly it would be a good time to ask the committee to look at their schedule of witnesses before the committee. On Monday we have scheduled the ??office of the employer advisor. Check with ??Mr. Mandlowitz and he would be quite prepared to share that afternoon. You will notice that the rehabilitation division—that is not the right term anymore I guess with the board—is not scheduled on here anywhere, and there are a lot of questions being raised about rehabilitation. I wonder whether or not the committee would like to have the people who run the rehabilitation resources branch at the board appear before the committee, if that arrangement could be made on such short notice.

Dr. Elgie: ??

Mr. Chairman: Even if—it does not necessarily have to be a formal presentation.

Dr. Elgie: ?? Elizabeth.

Mr. Chairman: It does not have to a formal presentation, simply to answer questions.

Dr. Elgie: Dr. Elizabeth Kaegi will arrange to—can you give us an idea of timing?

Mr. Chairman: Is that agreed with by the committee?

R-1750 to follow



~~(Mr. Chairman)~~

~~It does not necessarily have to be a formal presentation. It would not have to be a formal presentation, simply to answer questions from~~

1750

~~Mr. ?? ?? will arrange to give us an idea.~~

~~Mr. Chairman: Is that in agreement by the committee?~~

Interjection.

Mr. Chairman: We will hear from Mr. Manowitz first. So that would be roughly--

Dr. Elgie: That will take two hours.

Mr. Chairman: He assures us not.

Hon. Mr. Sorbara: For the opening comments.

Dr. Elgie: For his opening remarks, yes.

Mr. Chairman: No. So perhaps around 4:30 p.m. till the end of the day then, till 6 p.m.

Dr. Elgie: OK.

Mr. Wildman: OK. I would like to also refer to section 86, which was mentioned by my leader, if I can just close off with a couple of questions in that regard. First to the minister, does the minister think that it is fair to leave injured workers without benefits for lengthy periods because the WCB is reviewing their successful appeals to the Workers' Compensation Appeals Tribunal?

Hon. Mr. Sorbara: There is a lot of discussion that has taken place on section 86n and whether it is appropriate or inappropriate. I recall at my first meeting with the chairman of the Workers' Compensation Appeals Tribunal. I have the benefit of a description from the chairman as to how the appeals tribunal functions, as to its interrelation with the policymaking function of the board and the effect of section 86n.

As I recall, the chairman of the Workers' Compensation Appeals Tribunal felt that it was a very important component in the policymaking structure within the ??bulwark. Obviously the ultimate policymaker is the government of the province.

??Did you want to ask the question--

Mr. Wildman: ??Do you want me to ask the question now?

Mr. McGuigan: I have ??.

Hon. Mr. Sorbara: Since that time, I have had a number of people who have suggested to me that changes in section 86n need to be made. I do not have a clear opinion on that right yet at this point. I have told the Leader

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of the Opposition that, in my view, it is something that would have to come up for consideration later. It is not something that I would consider to include in the first package of reforms. Frankly, I would want to hear a lot more the appropriateness or the inappropriateness of section 86n.

I should say that the issue of adjudication and policymaking is of concern to me. I think we need a system that has clear policy, so that those responsible for administering the system can rely upon. I know that the interaction of the tribunal and the board through section 86n is one that was, I think, recommended—correct me if I am wrong, Mr. Chairman—by Paul Weiler in the report that he made several years ago and it has a great deal of merit to it. It may not be the perfect system. I do not know. Unfortunately, I am not in the position to have to deal with that issue within the next few months, but I take the member's concern seriously and the concerns of the Leader of the Opposition. We may differ ultimately on our view as to whether or not there should be a section 86n, but for now, the reality is that it is there and that the system will continue to use it.

Mr. Wildman: I think really there are two issues there. There is one, whether or not section 86n should be there that would allow for the board to review the decision. The other question is whether or not workers should, after making a successful appeal, remain without benefits.

Mr. Chairman: Will you allow a supplementary from Miss Martel?

Mr. Wildman: Yes. I would just like to ask one other question and then I will close off completely.

Miss Martel: ??I just have a supplementary.

Mr. Wildman: OK.

Miss Martel: I would like to ask the minister, how long are workers and the rest of us supposed to wait then before we get some decision on section 86n? I will give you an example. My constituency office recently won an appeal at WCAT concerning white hand syndrome where we were able to lower the levels to a degree, which is more than the present board policies allow for. We met Dr. Peter ??Pelmear from the Ministry of Labour who came and testified on behalf of our worker at that point and introduced a whole new series and a whole new scale called the ??Stockholm scale, which allowed us to win that appeal. Now we all know that has set a precedent, and as sure as shooting that is going to be reviewed because there is no way the board is going to allow that decision to go through.

R-1755 follows



(Miss Martel)

~~... which allowed us to win that appeal. Now, we all know that that has set a precedent and so come as shooting that is going to be reviewed because there is no way the board is going to allow that decision to go through. And so, in terms of that, which is coming, and in terms of the 14 workers now, who won chronic pain appeals who are still waiting for money, how long do we wait before we get some decision on what is going to happen in terms of that section?~~

Hon. Mr. Sorbara: I cannot tell you how long you are going to have to wait but I am sensitive to the full issue of delay in the process. I think perhaps the reality is that your constituent waited a very long time before his or her case was heard by the tribunals. That is something that I take no joy in and I am terribly concerned about. I think that your constituent waited a terribly long time for the appeals tribunal to render its decision.

Some of my constituents complained to me that the tribunal is taking 18 months to two years to give a decision after a case has been heard. I have a great deal of concern about that. I would not want to say that we simply will change section 86N because of issues of delay. There is too much delay in the system and I acknowledge that and I hope to direct some of my attention to that in the future, but I do not think that is a sound argument for saying that the board ought not to have the capacity through section 86N to review a decision of the tribunal that breaks it down in terms of any matter of broad policy.

Mr. Wildman: My question is this. Not related to delay, does the minister believe that the Workers' Compensation Appeals Tribunal can make decisions independently if it knows those decisions are subject to review by the board.

Hon. Mr. Sorbara: The answer is yes.

Mr. Wildman: Well, I would like to know how.

Mr. Chairman: Mr. McGuigan wanted in on a question.

Mr. McGuigan: This is for both the minister and Dr. Elgie here. There have been injured workers coming into my offices at ??three and Kent-Essex saying that they have been sent there by the workers' advisor. I thought the advisor was supposed to take over from us and not the other way around but these people are coming in and saying that the advisor told them to come to us. I do not know if you are aware of that.

Mr. Wildman: They are supposed to advise workers to go and get advice but if they already have you, they have advice.

Mr. McGuigan: No, these are people that have not come to me but have gone to the advisor and the advisor tells them to come to us.

?? : Good question.

Hon. Mr. Sorbara: It is a good question. It is a good question to end the day on. I think probably it is appropriate for me to answer that question because the way in which the act is designed—this is a case where

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the office of the worker advisor and indeed, the office of the employer advisor is under the jurisdiction of the ministry and therefore under my jurisdiction although it is funded by assessments made by the Workers' Compensation Board.


The member raises another issue that is of some very significant concern to me and that is the backlog of cases that are before the office of the worker advisor. I am told coincidentally, Mr. Chairman, that the office of the worker advisor does not have any backlog at all.

Mr. Chairman: Employer.

Hon. Mr. Sorbara: I am sorry. The office of the employer advisor does not have any backlog at all. It is an interesting comment made by the director of that office. I do not have any immediate solution for the member. I am not sure that it is appropriate to say that the office of the worker advisor was there to relieve the individual MPP of the traditional advocacy work that he or she has traditionally done on behalf of injured workers.

On the other hand, I am not particularly delighted with a system where MPP's have to have an ongoing caseload of—anything, whether it would be for OHIP or for—I do not know, whatever tribunal or branch of government or emanation of government or system of government is there—I think the fact that MPP's have caseloads generally—says that the system is not working absolutely perfectly. Now this system is not ever going to work absolutely perfectly and I simply can tell this to the member and that is that I would hope that over the next years as we approach reforming a system and making it more effective "through statute and through reforms administratively within the board that we would develop a system where it was not . . .

1800 follows.



Hon. Mr.
(Mr. Sorbara)

over the next years, as we approach reforming the system and making it more effective both through statute and through reforms administratively within the board, that we would develop a system where it is not as crucial that 130 MPPs within the province have a workers' compensation case load.

1800

Work needs to be done, as well, in the way in which the program of the Office of the Worker Advisor is delivered. It is, I acknowledge to you, too far backlogged. Injured workers are being referred back to their MPPs in some instances because the case load at the Office of the Worker Advisor is just too large and the worker is simply not willing to wait for his case to come up at the Office of the Worker Advisor.


It is an area that I hope to be able to grapple with over the next few months. I do not have the solutions now, but you can be darn sure that I am looking for them.

Mr. Chairman: I think that is an appropriate point on which to stop.

Just as a point of information, Minister, I can tell you that I represent a lot of miners and people who work in the forestry industry, and, to this day, 75 per cent to 80 per cent of all my constituency office time of two people is spent on workers' compensation problems. We cannot say no. The Office of the Worker Advisor does in fact say no. They may not say the word "no," but they say "18 months," which is tantamount to saying no. The problem is serious.

All right. Thank you for coming to the committee this afternoon, Mr. Elgie, and Minister.

The committee adjourned at 6:01 p.m.



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Publications

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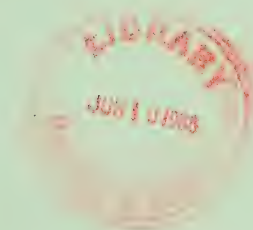
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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986

THURSDAY, MAY 26, 1988

Draft Transcript



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

CHAIRMAN: Laughren, Floyd (Nickel Belt NDP)

VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Collins, Shirley (Wentworth East L)

Grier, Ruth A. (Etobicoke-Lakeshore NDP)

Leone, Laureano (Downsview L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Suprecht, Tony (Parkdale L) for Mr. Miclash

Clerk: Decker, Todd

Staff:

Madisso, Merike, Research Officer, Legislative Research Service

Witnesses:

From the Workers' Compensation Appeals Tribunal:

Ellis, S. Ron, Chairman

McCombie, Nick, Full-Time Worker Representative

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday, May 26, 1988

The committee met at 3:37 p.m. in committee room 1.

ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986
(continued)

Mr. Chairman: The resources committee will come to order. As we consider the annual report of the Workers' Compensation Board once again, we have split up the appearances before the committee among a fairly large number of groups, some associated directly with the compensation system and others representing umbrella groups out there who have an interest in compensation matters.

Today we have the Workers' Compensation Appeals Tribunal, affectionately known as WCAT throughout the province, and Mr. Ellis is here, as chairman of the appeals tribunal.

Mr. Ellis, welcome to the committee again, and I hope you will introduce the people who are with you.

Mr. Ellis: Thank you, Mr. Chairman.

Mrs. Marland: Mr. Chairman, I wonder if before we get started—please excuse for interrupting. First of all, I want to apologize for being unable to attend yesterday afternoon due to a funeral of a close family friend. The question that I want to clarify is this. We did ask that these hearings, because of their significance and their importance, be held in room 151, the Amethyst Room, am I correct?

Mr. Chairman: No, that is not correct. Perhaps we should have, but we did not.

Mrs. Marland: Which hearings did we suggest should be held in that room then?

Mr. Chairman: I am not aware of that issue.

Mrs. Marland: It may be then, because of the fact that I am sitting on so many committees, that it is another committee.

Mr. Chairman: Yes, there was another committee that—

Mrs. Marland: I do notice, however, that the Amethyst Room is not being used, and I still think, since we are only on our second day of these hearings, that if that room is available, it is a very significant matter for both employers and workers in the province, and it would be to everyone's advantage if it could be held in that room.

Mr. Chairman: I think it is a point well taken. We will explore the availability of room 151, and if it is possible, we will schedule into that room. I think it is a good suggestion.

WORKERS' COMPENSATION APPEALS TRIBUNAL

Mr. Ellis: Mr. Chairman, members of the committee, as on previous appearances before this committee, I intend to limit my opening remarks to a number of special highlights in order to leave the bulk of the tribunal's scheduled time before the committee for the committee's questions.

Accompanying me today are the worker and employer members of the tribunal's executive committee. On my right is Nick McCombie, who is a tribunal member representative of workers; and on my left is Jacques Seguin, who is a tribunal member representative of employers.

~~With me are well interested in the audience are...~~

1540
follows



(Mr. Ellis)

~~... is a tribunal member representative of workers, and on my left is Jacques Seguin, who is a tribunal member representative of employers.~~

1540

With me as well, but seated in the audience, are senior staff members: David Starkman, general counsel; and Robert Whitelaw, general manager.

The committee has available to it, I understand, my second report. I have brought today, and I will distribute at the end, the tribunal's weekly work load analysis for the week ending May 13, which you may want then to compare with the similar document marked as appendix C in the second report, and also an update of the summary of current case load statistics, which appears in its original form as table F-3 in the second report. These will give you a basic eight-month update on the tribunal's performance. I will leave copies of those for the committee's use.

I do not in these remarks propose to go over ground covered in the second report. I propose, instead, to go directly to what I presume will be the subject of the committee's greatest interest and concern, and I refer to the delays workers and employers are experiencing in getting decisions out of the tribunal after the hearing in a case has been completed. This is certainly the subject of my greatest interest and concern.

This delay problem is the tribunal's only significant remaining startup problem, but it is a serious problem. My colleagues at the tribunal and I are well aware that this problem has been undermining the tribunal's credibility over the past several months, and in the eyes of many, obscuring the tribunal's undoubted achievements to the point of transforming what is, in other respects, a respectable success story into a subject of concern and an object of increasingly serious complaints from the workers and employers directly affected—complaints of which, of course, the members of this committee will be the principal recipients.

As will be apparent from the second report, for at least the last 12 months, the solving of this problem has been the first priority and the major preoccupation of the tribunal and its chairman. And the first thing I want to do this afternoon is to share with the committee members current production data which now confirm that this problem is, indeed, a startup problem and not a permanent tribunal characteristic.

With respect to current cases, that is to say, cases heard in the eight months which have elapsed since September 30, 1987—which is the date of the second report—the tribunal's data indicates that the tribunal is, in fact, now meeting expected production goals at the decision-making stage.

During this eight-month period, the tribunal completed 540 hearings in cases where no post-hearing investigation or submissions proved necessary. Decisions have issued in 340 of those cases. The average elapsed time between completion of the hearing and the issuing of the decision in those cases is two months.

Another 120 of the 540 total are cases in which the hearings were only completed within the past two months and in which the tribunal would not

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expect decisions to have issued in the best of circumstances.

Thus, of the 540 cases with completed hearings during this period, only 82, or 15 per cent of the total, have required a decision-making process in excess of two months. Forty of these cases were heard two to four months ago, 28 were heard four to six months ago, and 14 fall within the six- to eight-month period. But 75 per cent of these delayed decisions are in advanced stages of completion, and only 20 cases—about three per cent of the 540 total—are of concern in my opinion from an unwarranted delay perspective.

Those particularly familiar with the tribunal's operations will appreciate that not all of the 540 cases will have been entitlement or quantum cases. A proportion will have been less substantial cases such as section 77 appeals and section 21 applications, in which decisions...

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~~A proportion will have been less substantial cases such as section 77 appeals and section 21 applications, in which decisions would be expected to issue in a shorter time than two months.~~

When the figures are broken down in these various categories, it is apparent that with respect to the entitlement and quantum cases, which are the bigger and more significant cases, we are still short of our original two-month, decision-making goal. The average release time during this period for section 21, section 77 and leave applications was approximately six-and-a-half weeks. For entitlement and quantum cases, the average release time was 12 weeks, or just under three months.

In the second report's analysis of the decision-making time to be expected when everything is going well, committee members may recall, however, that on the basis of the tribunal's actual experience, it was estimated that of the seven out of 10 cases in which decisions are ready to write after one hearing, where the panel chair is a full-time chairman, five of the seven cases will be decided within two months, one case may be expected to take three months, and one may be expected to take four months.

For cases heard by panels with part-time vice-chairmen, the expected time to make a decision in each of the seven cases was three months. Thus, on the basis of that analysis, the expected overall average time for decision-making when we are, to coin a phrase, firmly on top of the wave, would be approximately two-and-a-half months for cases not requiring post-hearing investigation or submissions.

The data for the past eight months indicates, therefore, that with respect to current cases, we are producing decisions at rates that are at, or very close to, the expected standard.

It is also, I believe, realistic to expect that some proportion of the range of cases which the tribunal confronts in its typical case load will always present special problems for completion in a timely fashion. I think a three-per-cent problem figure is a realistic normal operating expectation.

At the same time as the tribunal was achieving expected production rates with respect to current cases during the past eight months, it was also making significant gains in reducing its backlog of old cases. In the second report, we reported a backlog at the decision-making phase of 258 cases. As of May 13, 1988, that figure has dropped to 99 cases. During this eight-month period, in all categories we have released a total of 1,000 decisions.

What the data establishes is that we now have the decision-delay problem under reasonable control as far as the tribunal's current day-to-day operation is concerned. What is left is to clean up is a batch of intransigent old cases, about 100 in number, which are the remains of the issue logjam to which I have referred in the second report. I expect that this will take another few months to complete.

As I have said in the second report, viewed from the perspective of the tribunal's overall performance, the delays in releasing decisions have never, in fact, been an overwhelming problem. We have now released about 2,200 decisions. Another 1,000 cases have been disposed of without a hearing, for a

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total disposition of 3,200 cases. The overall average release time for decisions is just about four months. That four-month average includes the time taken in 30 per cent of the cases for reconvened hearings or post-hearing medical investigations or submissions.

We estimate that only about 200 to 300 decisions were seriously affected by the decision-making delay problem. Given the circumstances out of which that problem arose, this is not a surprising or unacceptable performance in my opinion.

Viewed, however, from the perspective of the 200 or 300 individual workers or employers directly affected by these delays, and from the perspective of the MPPs who were asked to explain the situation to those individuals, it was, and is, of course, a very serious—

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~~individual workers or employees directly affected by these delays. But~~
~~the perspective of the MPPs who were asked to explain the delays to the~~
~~individuals, it was and is, of course, a very serious problem which led to~~
individual hardship and put the tribunal's credibility in question.

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It is a situation which my colleagues at the tribunal and I regret most deeply, and it is with great relief that I find myself able to indicate to you today that the problem is now under reasonable control.

For the next few months, the tribunal will continue to issue too many decisions that have taken too long to complete, but these will be coming from the remaining batch of about 100 backlogged decisions. Once these are dealt with, the problem will be behind us.

I appreciate that satisfaction at the prospect of the tribunal averaging only two to three months to make a decision after a hearing is complete can be shared only by those who find the tribunal's basic plan of adjudication acceptable. I am aware that there are those, among whom some members of this committee may perhaps be counted, who do not view with favour an adjudication plan that contemplates a total pre-hearing, hearing, and post-hearing cycle for entitlement and quantum appeals in the order of seven to nine months overall.

As I have indicated in the second report, I am not reconciled to the tribunal never being able to do better in our pre-hearing stage than the current five to six months or even four months. The tribunal's process is under constant review from the point of view of improving its efficiency and speed, consistent with maintaining an appropriate effectiveness.

We have under active consideration at this moment a major experiment in the shortening of the pre-hearing phase. It is also apparent that as things begin to settle down a bit and more and more cases fit into routine and increasingly familiar patterns, the decision-making process will also more and more often fall into a routine where decision-making time can be shortened and the length of decisions reduced.

Oral decisions, with written reasons to follow, will at some point become feasible. I expect that in the course of time the overall process might be reduced to a four-to-six month cycle. I remain, however, fundamentally convinced that with respect to final appeals of Workers' Compensation Board decisions affecting entitlement and quantum, a substantial process involving a significant commitment of time and resources will always be necessary.

The requirement of significant time to deal with substantial cases appropriately in a tripartite system is a subject I have been over before with this committee and which I have addressed in both of my reports. I do not propose to take the committee's time to go over it again in these opening remarks. I would, of course, be very willing to discuss the matter fully in the question period, should that prove to be the committee's wish.

As you know from the second report, with the very significant exception of the decision delays, it is my view that the tribunal has been successful to

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date in pursuing the assignment defined by its legislation, and I am frankly proud of what the tribunal has so far achieved in the face of a very considerable challenge.


Thank you. I look forward to responding to the committee's questions.

Mr. Chairman: Thank you, Mr. Ellis. Before we get into that, may I first of all commend you—I do not know who wrote it—on the second report. The language is really good to read, and you deal with the issues in a very straightforward way. We members have to read a lot of material, and it is good to read something that is so direct.

I would like to kick off the discussion. There are a number of issues that are swirling around out there with which WCAT is very much involved. The one that comes to mind for everybody immediately, and the one with which you deal in your report, is the one of final say. That bothers a lot of us a great deal. You put it in your report as to who has the ultimate say, which is a direct way of putting it. You even set up a theatre of the absurd, as you referred to it, of a scenario where it just keeps bouncing back from WCAT to the board, WCAT to the board, WCAT to the board, and on and on.

My question is a very direct one. Can that quandry of who has ultimate say be—

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~~from WCAT to the board, WCAT to the board, WCAT to the board and on and on. My question is a very direct one. Can that quandary of who has ultimate say be resolved with the existing legislation?~~

Mr. Ellis: First, may I just clarify one point. When we have referred to sometimes as the ping-pong effect of bouncing back and forth is a reference in that to the inherent problem with the clause 86(g)(2), the definition of the tribunal's jurisdiction. That is a different kind of problem than the section 86n review, which the board of directors is involved with. I think, dealing with the ping-pong effect, if you will, I think the tribunal's current approach to defining clause 86(g)(2), as I attempted to explain in the second report, will and is going a long way to limiting—not eliminating but limiting—the extent to which that back and forth will be necessary.

With respect to how we get to the point of determining who has the final say, again as I indicate in the report, I think it is a question of simply interpreting the meaning of section 86n. I am aware, as everyone is, that there are different views as to how that section should be interpreted and whether you end up with the board of directors of the appeals tribunal with the final say on the issues of general law and policy.

The process involves us making that initial determination in the context of a case after getting submissions from parties interested as to how the thing should be interpreted. I have said, and we have maintained from the beginning, that would be inappropriate for us to have an opinion or to venture an opinion as to how that section is most properly interpreted until the occasion for doing it within the structure of our actual process comes up. That may happen in the near future, depending on what the board of directors ends up doing with the decision 72 and that case where we are waiting for a decision. I think the legislation can be interpreted one way or the other.

Mr. Chairman: Exactly. That is why the committee is going to have wrestle with that at some point, whether or not we make a recommendation. We obviously do not change the legislation, but whether or not we make a recommendation dealing with....

Mr. Ellis: May I just make one additional thought, that it is the kind of thing that might be dealt with most constructively on a case-by-case basis. We have continually appreciated how our appreciation of an issue changes as the context of each case changes a little bit. I think it would not be wrong from a process point of view to allow the meaning of that section, as written, to be explored by the tribunal over the course of a number of cases as the board. At the very worst, you would be in a much better position to understand the implications of the section and how it needed to be fixed, if it needed to be fixed. Then, it is possible to be sitting here and speculating about how it might work or should work without the context of a specific case.

Mr. Chairman: It does not matter how streamlined and efficient you become, if the deliberations by the board over whether or not your decisions are appropriate take a year. I am not saying this is in a large number of cases, but in the ones that that happens to.

We had a number of members who had questions. Mrs. Marland.

Mrs. Marland: Mr. Ellis, I know that is probably in the report, but

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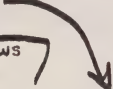
I have just received it, so I wonder if you can help me out.

Mr. Ellis: Fine.

Mrs. Marland: How many full-time hearing members are there and how many part-time, because you did make a comment relative to the full and part-time. Just approximately.

~~Mr. Ellis: All right. If you will allow me to deal in approximate numbers.~~

R-1600 follows



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~~Mr. Ellis: OK.~~~~Mrs. Marland: Just approximately.~~

Mr. Ellis: All right. If you will allow me to deal in approximate numbers. Counting myself, we have 10 full-time chairmen and vice-chairmen. In other words, 10 people full-time who chair hearing panels.

Mrs. Marland: Right.

Mr. Ellis: We have six full-time employer members, six full-time worker members. We have approximately 10 or 12 part-time vice-chairmen who are and whose level of activity varies quite a bit, and we have, I believe, seven part-time worker members—no, I have got it wrong—seven part-time employer members and about 11 part-time worker members.

Mrs. Marland: OK.

Mr. McCombie: If I could just add to that, there is a list in the report, in appendix A, of the full-time and part-time members as of the date of that report. It has changed somewhat, but I think it gives you an idea.

Mrs. Marland: I knew it would be in here.

Mr. ??Ellis: You were sure it was there.

Mrs. Marland: I needed to have the answer because it leads me to the next question based on your statement about how much time it takes to write decisions following the hearings. You did say, if I heard you correctly—and because we do not have a copy of your speech in front of us—that part-time panel members or part-time hearing officers—what is the correct term?

Mr. Ellis: I am sorry. Panel members will be fine.

Mrs. Marland: Panel members. I think I heard you say that part-time panel members take longer to write decisions. I wondered if you could explain why that is.

Mr. Ellis: Yes. It is primarily because they are out...they do not live full-time within the building. Communications take longer. We make decisions in panels of three and so for the panels to meet together, the outside member has to come to the tribunal to meet with some full-time members. The interchange within the caucus is just that much more prolonged because of its physical distance. The part-time members are not quite as experienced on the average as our full-time members have become in getting the decision out. Those two factors put together lead, we think, to about a one-month additional period when we are utilizing a part-time vice-chair.

Mrs. Marland: Any given panel could have full and part-time members on it?

Mr. Ellis: Yes.

Mrs. Marland: Does have a panel ever have all part-time members?

Mr. Ellis: No.

Mrs. Marland: OK. The reason that I am focusing on that aspect of course is that that is where the hardship continues for these appellants is in the amount of time that they are still waiting to either know they are going to receive compensation or otherwise. It just seems unfortunate that there is anything that prolongs that written decision time. I just wondered if there was anything else. I guess then the answer is that anything that would facilitate at least removing one month delay is to have more full-time panel members and fewer part-time.

Mr. Ellis: Yes. There is no doubt that would be more efficient in terms of getting the decisions out, although I think we would be looking at a saving of something in the order of a month in a cycle, which is probably going to run seven to nine months in any event.

Mrs. Marland: I notice in the report that—and I gather this is obviously in the act—there is a requirement to have medical assessors and medical counsellors, and it refers to the fact that the statute—

R-1605 follows



~~I gather in the act, there is a requirement to have medical assessors and medical counsellors. It refers to the fact that the statute requires this to be a panel of medical practitioners. I guess those medical assessors and medical counsellors are part of the panel of medical practitioners, is that right?~~

Mr. Ellis: There is no medical panel as people generally understand the term "panel." We have hearing panels. What we have is a roster of medical doctors who have been approved by the Lieutenant Governor in Council, to whom we can send workers for additional examination and further report. They present evidence on an individual basis to the hearing panel, to assist it with its decision on the medical issue.

Mrs. Marland: From reading the list on page 21, obviously these medical practitioners are from a very broad area of specialty fields. I do not, however, see in that list a doctor of chiropractic medicine. I am wondering whether there is a reason for that when a worker might be referred for a medical evaluation as you have just put it.

Mr. Ellis: May I just, for the record, make one clarification? The names listed on page 21 are the tribunal's medical counsellors. As I think I put it somewhere, they form a small core of wise counsel to the tribunal. They do not present evidence to the hearing panels.

Mrs. Marland: So they never see patients?

Mr. Ellis: They never see patients, no.

The group of medical assessors—we have one short list that has been approved and we are about to submit a much longer list. In either list, there does not appear a doctor of chiropractic medicine and one of the reasons for that is that the legislation specifies—sorry, I am not finding it.

"Medical practitioner" is the term used in the section and the definition of "medical practitioner" that we are using is from the Health Disciplines Act. If I recall correctly, that is dictated by the Interpretation Act, which defines "medical practitioner" when it is used in a statute. I may be proved wrong, but that is my recollection.

Mr. Chairman: You may hear the bells ringing faintly in the distance, and only faintly because the door is closed. There is a vote in the Legislature within 10 minutes. So we will perhaps complete Mrs. Marland's questions, go for the vote and then come back. We should be back within 10 minutes after we leave, we hope. Sorry for the disruption, but we cannot control that.

Mrs. Marland: Does your tribunal acknowledge chiropractic medicine as a means of evaluation of that injured worker?

Mr. Ellis: I am not sure I know of any instance where we have gone for extra medical evidence from a chiropractic doctor. We might have done that, because in addition to the people on the approved list, we sometimes get medical evidence by consent, with the worker consenting to go to somebody who may or may not be on the list.

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In the files that we receive, there are very frequently reports from chiropractic doctors, which the panels then take into account in their assessment of the overall evidence. So in that sense, we are dealing with chiropractic evidence.

My guess is that if we were pushed to having to take a tribunal policy position on whether we would send somebody to a chiropractor or should send somebody, we would take the same view of that as the Workers' Compensation Board does. I understand it does recognize the legitimacy of that.

Mrs. Marland: It is my understanding that the WCB does recognize chiropractic medicine, so therefore employers are paying for those fees, as does the Ontario health insurance plan pay for chiropractic treatment.

When it is not referred to anywhere in your report, I was just questioning the exclusion of that area of medicine, because I want to know, when your tribunal is hearing an appeal, obviously you are basing it on cost of treatment. In some part of that hearing, the compensation assessment is based on cost of treatment, which may lead into what area of treatment is provided for that injured worker.

My suggestion might be, in a question to you, if you do not consider chiropractic medicine in that overall assessment, then are you really fairly looking at the cost effectiveness of one type of medical practice versus another in the best interest of that injured worker and in the best interest of those who are paying the compensation?

Mr. Ellis: As I say, we do have regard for the reports of chiropractic doctors in the ordinary course of dealing with cases in which that has been part of the evidence that was before the board and is now before us. As I say, I do not recall having occasion to exercise our powers of further medical investigation by sending anyone to a chiropractor.

Mrs. Marland: But you do send them for further investigation to other fields of medicine?

Mr. Ellis: That is right. But as I say, we believe that the statutory direction is for this medical assessor, the group that is appointed by cabinet and to whom we have the authority under the statute to send workers, is confined to medical practitioners as defined under the Health Disciplines Act. That does not, as I understand it, include chiropractors.

Mrs. Marland: So that is where I would seek the clarification, through the act and its reference to a panel of medical practitioners.

Mr. Ellis: Yes.

Mr. McCombie: If I could just add one thing, certainly there have been a number of cases that have come before the tribunal in which the worker has requested, for example, that the board pay for ongoing chiropractic treatments. Those certainly have been dealt with, and where it was felt by the panel that that argument had substance, then the panel did order the board to pay for chiropractic treatments.

Also, if we did ask a worker to go, certainly the tribunal would pay. If the attending physician in a particular case was a chiropractor and the tribunal sought further evidence, it would pay the chiropractor.

Mr. Chairman: We will come back to you after the vote, Mrs. Marland.

Mrs. Marland: Actually, Mr. Chairman, after the vote I then have to speak in the House, but I will be back later on.

Mr. Chairman: We are recessed until the vote has been taken.

The committee recessed at 4:14 p.m.



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Mr. Chairman: The standing committee on resources development will come back to order, most members having been in and voted. I should confess I got locked out for that vote and did not make it in time. I know, it is bad. The next speaker on the list was Mr. Wildman.

Mr. Wildman: Mr. Ellis, are you familiar with the term that is used by some worker advocates, ?? "86n.?"

Mr. Ellis: I do not think I have heard it used in that way, but I can understand.

Mr. Wildman: Yesterday we had Dr. Elgie and Mr. Sorbara before the committee and I raised questions with Mr. Sorbara regarding the independence of the Workers' Compensation Appeals Tribunal. I will raise the same question with you. Considering the interpretation that has been placed on 86n., are you confident that your tribunal is able to operate independently and to make independent decisions?

Mr. Ellis: By the interpretation that has been placed on it, you mean the way in which the Workers' Compensation Board has been using the section?

Mr. Wildman: Yes.

Mr. Ellis: If I could just enter a small caveat before I begin to answer that question, as I have said, we have upcoming some time the obligation to interpret this section, and it is hard to talk about it without taking some position on what it means in terms of the final say.

Mr. Wildman: No, I understand.

~~Mr. Ellis: If I could be understood as not intending to indicate~~

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~~...and it is hard to talk about it without taking some position on what it means in terms of the final say.~~

~~Mr. Wildman: No, I understand.~~

Mr. Ellis: If I could be understood as not intending to indicate directly or indirectly where I think that section takes you on that issue of final say, and if I could also make it clear that my response to the question will be a very personal one, the Workers' Compensation Appeals Tribunal has not had occasion to discuss this internally ?? have a tribunal position on it. I am well aware that not all of my colleagues and I share the same views about it. Having now protected myself in every direction, maybe I could try to answer the question.

The short answer to the question is yes, I think we can operate independently with ??86n. being applied the way the Workers' Compensation Board is now applying it. I am of the view personally that the section in fact enhances the Appeals Tribunal's independence. That is a view that is based on a fairly subtle analysis, something like this: the WCB is a very big organization, I do not have to tell everybody here; \$1 billion accident fund, a multibillion dollar unfunded liability, 2,000 or 3,000 employees, necessarily a management that is very senior and very competent, now a large board of directors that is representative and is intended to be a blue ribbon board attracting people of high reputation and experience from various communities affected by the board.

The WCB is a major player in the economic activity of the province, if I can put it in those terms. I really think that it is unrealistic to design a system where that kind of an operation can have a major policy overturned in a final way by a three-person panel who may be relatively inexperienced—it would have a part-time chairman, a rookie chairman of the panel and so on—without the corporation having a substantial vehicle for inputting into that change and accommodating the organization to the change in a way that offers the hope of bringing the organization to accept the change in a wholehearted fashion.

Let me just take the chronic pain case as an instance. Let us assume that the issue of compensability of chronic pain cases had been decided by our decision 915. The board has indicated that it had a parallel investigation going and came to its own decision comparable to the Appeals Tribunal's on chronic pain. But let's assume that had not been happening and we have come along with our decision 915 which made chronic pain compensable. Without an 86n. process, the board in fact would be faced with a fait accompli, no recourse, and it would then have to implement the chronic pain policy on the basis of the decision of this one panel.

The chronic pain, and almost any major issue that the board is concerned with, is a ??multidimensioned issue and the implementation of a chronic pain policy is a multidimensioned activity.

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(Mr. Ellis)

~~... major issue that the board is concerned with is a multi-dimensional issue. The implementation of a chronic pain policy is a multi-dimensional activity.~~
If you could not have the wholehearted support of the Workers' Compensation Board for the implementation of that policy, it seems to me that you would end up with a mess. What ??86(n) or some vehicle similar to that does, is to provide the board and these very knowledgeable people who are involved in administering this large undertaking and enterprise with an opportunity to take a look at what we have said and the reasons that we have given for differing with their view on a policy issue; an opportunity to see that we are right and to embrace the policy change; an opportunity to take what we have said, hear submissions from other people, go back and look at the whole thing from the board's perspective and then come forward with a different and reasoned view.

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I think myself that that all makes reasonable sense. The absence of that kind of a vehicle would put so much pressure on that three-person panel in an appeals tribunal, that in fact you would have an appeals tribunal that would feel less independent and less inclined to call the thing, to take a broader view or to see things in a new way. I think that if there was not an ??86(n)—again personal view—if there had not been an ??86(n) process to bleed off some of the pressure around decision 72 for example. Or if the board had been faced without recourse with our chronic pain decision. Or had been faced without recourse on our ??fibremialgia decision, that the pressure on the appeals tribunal would have probably blown us away before now.

I think that if you are designing a system that has to take realistic account of the realities of the forces at work, and I really believe that the appeals tribunal's sense of independence and a willingness to take on and look freshly at issues is helped by the knowledge that there is this process by which the board can come back in and there can be a working out of the thing.

Mr. Wildman: I appreciate your comments.

Mr. Chairman: Are you going to stay on that subject? Because I wanted to—

Mr. Wildman: Yes. Go ahead.

Mr. Chairman: Would it be helpful or unhelpful if, when the board intervened and we asked to review a decision of the appeal panel and the board did so and referred it back to the Workers' Compensation Appeals Board, that they referred it back to a chairman's panel of WCAT. The danger seems to me is a kind of paralysis, if there is no agreement in the final analysis.

Mr. Ellis: I think that the language of the act suggests that it is a direction to the tribunal. Without having thought about it a lot, there is the statute giving the chairman of the tribunal discretion in the establishing of panels to do various things. There would be, I think a discretion as to whether the original panel will be assigned to deal with that or not and that probably would depend on the nature of the issue and so on and so forth.

Mr. Wildman: If you do not feel that it would be appropriate to answer this question, I quite understand but I would like to try it anyway. If a decision—for instance to use the chronic pain example which you referred to—is considered under 2286(n) by the board of directors. ~~So you have some thoughts about how we as a committee which will be making recommendations to the IF, which may or may not be.~~

L-1645 to follow



Mr. Wildman: Do you have any thought about how we as a committee, who will be making recommendations to the assembly which may or may not be acted on by the government, whether we should take any position regarding the staying of benefits?

Mr. Ellis: I agree that the merits of the structure that has been set up is being obscured at the moment by first of all the number of issues that are up for grabs because of the recent creation of the appeals tribunal and secondly, because of the fact that the board of directors is feeling its way in terms of process and procedure as to how to better appropriately deal with these issues and the fact that in the meantime, there are individual workers and employers who are being held up and delayed by a process that is really designed to solve an institutional problem. So focusing on how to manage the inconvenience and delay to individuals in this process seems to me a constructive focus for reform.

Now the board has a discretion as to whether to stay decisions or not. You will see from my account of my understanding of the process that has gone on with the board, for example it has adopted a policy when it gets a case of ours and sends it to the review part of its organization to decide whether it should go to an 86n review process, it has so far been implementing that decision in the meantime. So it has decided not to delay the implementation of decisions where it has embarked on a review of the policy and it does not know whether it is going to an 86n or not. So there is that discretion and the board has the freedom to exercise the discretion in an appropriate case.

The balancing is if the board has a situation where its feeling is that we plainly got it wrong and it involves substantial benefits to individuals, there may be policy concerns about the cost of paying those benefits—it may be permanent pensions over a lifetime or whatever—to workers in that particular situation when you have an expectation that is going to be changed, so that the next group of workers coming along with the same fact situation will end up with a different set of benefits. There is an unfairness among workers with similar situations.

I am not sure it is a bad thing to leave a discretion in that regard with the board of directors.

Mr. Wildman: If I may make an observation, it seems to me that as a committee we should be looking very carefully at the question of how long the board's deliberations or review should be allowed to go on.

Mr. Chairman: On the Workers' Compensation Appeal Tribunal decisions or review.

Mr. Wildman: Yes, when they are reviewing WCAT decisions under 86n because it seems to me that if the case is a chronic pain situation, nearly a year later workers are still waiting to find out. It seems to me that kind of a delay is not appropriate. I just say that as an aside.

I would like to pursue the question using the example of the chronic pain decision. Could you explain the rationale for deciding that once it was recognized or should be recognized that it should be recognized back to the date of the decision rather than to the date of the beginning of the incidence of pain?

~~that it should be recognized back to the date of the decision rather than to the date of the beginning of the testimony of pain?~~

1650

Mr. Ellis: That question takes me into an area that I believe I have a problem in responding to because it puts me in the position of having to defend an appeals tribunal decision in this forum and that will lead to other panels being then presented not only with our decisions and the written reasons in the decision but also now the chairman's explanation in defence of it in this forum and I have real difficulty with it.

Mr. Wildman: I did earlier privately mention to the chairman I was wondering if that kind of a question would be appropriate and he said to try it.

Mr. Chairman: The panel did give reasons?

Mr. Ellis: Yes.

Mr. Chairman: Would it be appropriate to refresh the minds of the members of the committee what those reasons were, if you can recall some of them?

Mr. Wildman: In other words, you would not be adding something new, you would be just reviewing the reasons that the tribunal— Would that be appropriate? Because I am not sure that all of us are fully familiar with it.

Mr. Ellis: I understand that.

Let me try and may I preface it by saying that where I differ from the written reasons, it is my intention— I believe in the written reasons when we wrote them and I continue to believe in them and this is an attempt to recall.

We are talking about decision 915a. I should mention that there was a majority and a dissenting opinion, although Mr. ??Cook who had the dissenting opinion agreed with the basic principles we had adopted.

To begin with, we decided that the law did not permit unlimited retroactivity of benefits deriving from what we called an overruling. An overruling being a change in how the act was read, or an acceptance of new medical advances. We believed on the basis of the law that was set out—the common law—that it was wrong at law and we thought we were not uncomfortable with that finding because it seemed a very extreme position for workers to have unlimited retroactive benefits of overrulings when nobody else in our legal system has that kind of advantage. So the law seemed to indicate a right position from a policy perspective as well.

Then it became a question of defining the limit on the retroactive application of the overruling and we examined a couple or three possible strategies that might be resorted to. Our basic principle was that the law indicated that you should impose such limits on the retroactive benefits of overrulings that principles of good public administration would indicate. In other words, we concluded the law required you to do something that was the most sensible thing given all of the various competing consideration.

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We thought that the idea of selecting a particular date so that everybody would have benefits from that date forward on the basis of the overrulings but would not have benefits from that date backwards on the basis of the overruling, that was the most sensible strategy. The adoption of that strategy meant that you did not take it back to the date of the disability unless --

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(Mr. Ellis)

~~... strategy, so that the adoption of that strategy meant that you did not take it back to the date of the disability unless the disability occurred after the selected start date.~~

In selecting the start date, the board policy was to impose the limit at the date the new overruling was made. We thought that an analysis of good public administration principles indicated that the start date should be the beginning of the process through which the system developed the change so that you would not have a situation where the process of change was achieved on the backs of the injured workers, as it were. In other words, if you pick the date where the process ends then every day a delay in that process is achieved at the cost of lost benefits, so we have picked the date when the concrete process which led to our overruling commenced. In the Villanucci case in 915, March, 1986, which was the date when we had first identified the fact that we were dealing with a chronic pain case and that we were looking at the possibility of an overruling of a board position on a generic institutional position on chronic pain.

Mr. Wildman: I will not pursue that, Mr. Chairman, because of the concerns expressed earlier. I will reserve the right to discuss it further though, in this committee.

Mr. McCombie: Can I add one thing? I feel I should briefly just say, although I was not involved in this case, as the chairman indicated, it was a dissenting view which took the position that the start date should be in 1980 with the recognition in the medical community of the problem, in particular, with the publication of the DSM3 diagnostic statistic.

Mr. Wildman: I understand that, and that basically is what Mr. Ellis is referring to when he said that Mr. ??Cook dissented. He did accept the view that there could be a start date rather than going back to the beginning of the incidence of pain.

Mr. Ellis: That is right. He disagreed with the majority on what date the principles would lead you to select.

Mr. Wildman: I understand that. OK. I would like to ask one other question, Mr. Chairman, and I will yield the floor if I, hopefully, could get back at some time later on.


Under section 860, the Workers' Compensation Appeals Tribunal can grant leave to appeal a decision of the old appeal board, which I think would be fair to say was not intended in the same way that WCAT is to be independent. What I do not really understand is, it seems that WCAT continues to take the position that even though the tribunal might have made a different decision in a particular case, based on the merits of the case, that in itself is not reason to doubt the correctness of the appeal board decision. Is that right?

Mr. Ellis: Yes.

Mr. Wildman: I do not pretend to be a lawyer. One of the best decisions I ever took was not to ?? to law school. I think frankly that that offends common sense. I would like the rationale.

Mr. Ellis: OK. Again, this kind of a discussion I find awkward, for the previous reason. If I could again be taken not to be attempting to add anything to what the decisions have indicated, I think it basically comes down to the fact that...

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(Mr. Ellis)

~~... again be taken not to be attempting to add anything to what the decision
has indicated~~

1700

~~I think it basically comes down to the fact that~~ if you take your view that if we would have done it differently then we should grant leave, then there is no difference between the people who have a right to appeal and the people who are required to apply for leave to appeal. That test is the test we apply when somebody has a right to appeal, so the distinction is rooted in the fact that the legislation has made a very careful distinction between a group of people who are entitled as of right to appeal and those who must apply for leave to appeal. That ruling that you referred to reflects the appeals tribunal's attempt to give reasonable and different effect to different provisions in the legislation.

Mr. Wildman: I will leave that for now, Mr. Chairman, and hopefully at a later time I can come back to two other questions about that.

Mr. Chairman: OK. Mr. Leone.

Mr. Leone: Mr. Ellis, my remarks might be interpreted to be a little bit critical, but you will have to understand my position. I know that in your presentation you have already justified in a sense what the tribunal's problems are and discussed those problems. You were right in saying that the credibility has been damaged, because today we politicians do not have answers for our workers to justify and to say, let us say, the delays of two years, two years and a half or nine months.

I am from the Italian community, and you know that the problems there are many. In the past, we were trying to suggest to governments to give an organism to solve the problems of the appeal of the workers who were self-employed and it was decided at a certain point that there was no appeal or that was the final decision of the Workers' Compensation Board, and they were left with a decision which did not satisfy the injured workers.

The government to which I belong now, created this new organism, which probably—I do not know—only in the future we can justify, but at this moment, I think it also has become a heavy bureaucratic weight to the already big bureaucratic work on compensation.

We would like to see that, from your ??, for example, the responsibility to clear the backlog which is existing because I have workers who are coming to my office and still they do not have an answer.

I have some questions that make up my remarks on the delays. For example, after the decision has been reached, I understand that workers have been waiting for nine months. Why? What is going on? For example, I am not aware of the process that goes on. Now, I am listening to the fact that there is a review or there are bodies other than the Workers' Compensation Board, but you have to tell me how to justify these nine months and how to answer the workers. What goes on during these nine months or probably more?

Mr. Ellis: In the group of what is now, I think, down to about 100

(1705 follows)

Mr. Ellis: It is, in the group of what is now I think down to about 100 cases. It is not nine months, it is more like one year and one half and one or two of the cases are now going into the second year. I would not want to minimize the seriousness of the delay or to be thought to.

It is not that it has taken us 18 months of steady work after the hearing and not yet come to a decision. It is the product of a backlog problem, a backlog that was created one year and one half ago, or thereabouts. It was created by a combination of things, the major one being an issue overload of crisis proportions. That is sort of the overriding problem and it defined the context in which this thing developed.

We also did not manage it very smartly, looking with the advantage of hindsight. We did not appreciate, coming in, how difficult the decision-making process would be and what range of very controversial and difficult issues we would have to be dealing with.

We also were focused at the beginning on an existing backlog of unheard decisions of about 1,000 files. And so, our initial management focus was on getting this stuff heard, before getting the panels organized getting the hearings held and getting the cases heard. In the process of that emphasis, we managed to overload a significant number of our vice-chairmen. In other words, we assigned them to more hearings than they were capable of deciding, given the nature of the issues and those problems. So, we ended up with some vice-chairmen with a backlog before we got down to dealing with the problem of 50 cases or 60 cases. And those cases were very difficult cases on average because they were the earliest cases; they raised issues that for a time the tribunal flatly did not know what to do with in many instances.

We went through a process of consideration of inter-panel discussion because the issues would be confronted by a number of panels and different cases at the same time, as I have attempted to describe in the report. And the slowness of the decision-making process, coupled with, as I say, the unfortunate extent to which we loaded up our vice-chairmen with cases before we realized the nature of the problem, left us with this jam of old cases and it is—if you have somebody who is faced with 50 decisions to write, a set of files that if you put them all together would stretch across the room here—there are only so many decisions that that individual and his panel, in that case, can...

R-1710 follows

(Mr. Ellis)

~~...instead of files that would, if you put them all together would stretch across the room here. There are only so many decisions that individual and his panel in that case can deal with at a time, and in those cases, the—and so, what we have been doing in the last year, is taking those individuals off of the hearing assignments and leaving them to making decisions. And it is that process that has allowed us to bring that backlog from what we estimated to be about 260 cases down now to 99 and it will take us another three or four months to get rid of the balance.~~

1710

It is a situation that we are all very embarrassed about, and we would do it differently if we were doing it again. We are now not allowing that kind of backlog to develop on individual vice-chairmen's agendas. We are—as I have indicated, that problem is not a feature of our current operation. What we have is a clean-up operation that we are focused on. What we cannot assign the cases to other people once the individual is seized with having heard the case and so on, we cannot say, "Well, now, we'll take that over and give it to someone else who isn't as heavily loaded." We have to wait for that individual to be able to come to grips with that case. That is the best description I can make ??for the situation.

Mr. Leone: OK. Now, for the backlog then, you must have a plan by which this backlog will be taken care of so that then you will have the incoming cases and the outgoing on an average, let us say, whatever you have, October to May, of 1,000 let's say. You are providing for this, otherwise if you leave that backlog there, ??you have the same problem?

Mr. Ellis: No. We have four—since September, we have not been assigning new cases to vice-chairmen who are suffering from this backlog problem. So, that their full-time has been devoted to reducing that backlog and that will be continued until we get rid of it.

Mr. Leone: Then those cases will still be considered behind, in other words? If you do not assign them, they will be left behind how long?

Mr. Wildman: Be assigned to someone else.

Mr. Ellis: New cases are being assigned to other people.

Mr. Leone: OK. Just today, I am learning that—I knew that the Workers' Compensation Board, the WCB, the board, has the authority now to overrule, to change some of the decisions. Now, what other appeal does the worker have when you are in favour, let's say, and then the board says, "No, it's final"?

Mr. Ellis: Well, the board, the section indicates that if the board disagrees with our view on an issue of general law and policy, then it may determine that issue differently and refer the case back to us with a direction to reconsider the case in the light of that determination. And what we have not answered yet is whether that means that we have to accept the board's view on that issue and simply apply the board's view of the general policy and law issue to the facts of this case which might or might not lead to a different conclusion, or do we have the right to say, "Well, we hear whay

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you say, board of directors, and your determination, but we still don't agree with it." That is the unanswered question that I am not prepared to address until it comes up in a case in which it will be argued and we will have to write a decision as to what it means.

Mr. Leone: What is the percentage of cases approved by your tribunals ~~against the~~ ~~estimated or not approved, generally?~~

~~Mr. Ellis: 90%.~~

R-1715 follows

(Mr. Leone)

~~approved by your tribunal~~ against the ??debt, rejected or not approved. Generally—grossly, I mean, again.

Mr. Ellis: OK. We adopted a policy very early on that we would not keep track of that information.

Mr. Leone: But you have not.

Mr. Ellis: But we have not? The board keeps track of the proportion of their decisions which are overturned by the appeals tribunal in decisions where we deal with appeals from their decisions and that is information that you would do better to get from the board. I can tell you roughly that in the cases of entitlement and quantum and applications for leave to appeal, the percentage that the board was reporting was early on in the 60 to 70 per cent range of overturnings and I believe in more recent months, it is down to around 50 or below. Now, that does not take into account—they do not keep track of the section 77 which is the access to the worker's file, where the worker objects to access and appeals or the section 21 applications which is the employer trying to get the worker to go to the employer-selected medical practitioner.

Those tend to be quite high in favour of the employer's position on the access to file question and quite high in favour of the employer's position. I think they are high in favour of the employer's position on both 21's and 77's.

Mr. Leone: So, another question. Probably after the Workers' Compensation Board can tell us how much it costs for every case, it would be of interest to know how much it costs to solve the case of the worker from the moment it goes from the advisor to the tribunal.

Mr. Wildman: It could be provided, but it might be interesting to compare how much it would cost to just give the worker the benefits and abolish this whole thing.

Mr. Leone: OK. No, I want to know—that is why I want to know how much it cost to fix it.

Mr. Chairman: Could we be more specific on that? Are you wondering how much it costs—

Mr. Leone: We are giving the workers a benefit. We are acting here, okay? At least that is the intention of the law, OK? Now I want to know what would be better—how much the government, this kind of help. And if, really, it is worth the cost in order to—

??Mr. Wildman: It is not so much the government as the WBC.

Mr. Leone: The WCB is the government.

Mr. Wildman: Well, it is the employer. It is the employer's assessment.

Mr. Leone: Yes, on something ??important.

Mr. Chairman: As a former employer, Mr. Leone never felt the pain.

Mr. Ellis: The financial information from our point of view is that in our 1987-88—out total operating expenses and capital was \$8.9 million and our 1988-89 budget operating expense and capital is \$8.8 million in round figures.

Mr. Leone: So that is your—

Mr. Ellis: That is our operation.

Mr. Leone: So, in other words, if I change that, you—in a year—2,000 cases, let's say? Now, as I say, that is from October 1987 to May 1988, you had an output of 1,100.

Mr. Ellis: Then there are cases that we dispose of without a hearing. So, I think that 1,500 figure at the moment would be about right.

Mr. Leone: So, just by this figure, 1,500, (inaudible) it cost ~~about~~
~~\$5,000.00 each case.~~

~~Mr. Ellis: I think probably.~~

~~Mr. Leone: The total?~~

~~Mr. Leone: Yes.~~

1720 follows:



Mr. Leone

about \$5,000 each case.

1720

Mr. Chairman: Administrative costs.

Mr. Wildman: That is what I was thinking. It would be useful, if we could compare that, if all the cases had been successful and benefits had been awarded, how much that would have cost.

Mr. Chairman: I do not think we will compare that. You are talking about the administrative costs?

Mr. Leone: Yes, how much ?? Thank you.

Mr. McGuigan: Mr. Leone asked some of the questions that I would have asked, but I was interested in you saying that, because you know that a final decision can be made by the Workers' Compensation Board, beyond your tribunal group, that gives you a little more freedom. It struck a sympathetic note with me because, having been on committee for a number of years, and now on the government side, I think it helps us, as committee men, that we can be a little more liberal, a little more reformist, a little more advanced in the work that we do here, knowing that we are not making the final decision.

We make our report and, based on the problem as it is presented to us, we make our report in what we could hammer out between the three parties as the best solution for the facts that are in front of us, without regard, really, of what it is going to cost, implementation is going to cost, without too much regard to how it might affect some other segment. I think we are doing the right thing when we do that from a reformist, social advancement point of view, always knowing that it is the cabinet that is going to make the final decision, whether or not they implement it. I guess, when we look at the history of these things, we might say the report goes up on the shelf and gathers dust, but if you look over a number of years, you would find where governments did reach in and pick out these things and implement them, and you have a gradual, forward movement.

Your analysis struck a sympathetic notion with me because I think we face the same sorts of things when we are writing our reports. Like you, we sometimes have dissenting reports, and so on.

Mr. Ellis: I would not want to be misunderstood. I was not intending to suggest that we would take an adventurist's approach from a policy perspective, because our concern is not a policy concern; our concern is to use our best judgment in determining what the law requires, as far as general issues are concerned. What I was really identifying is that I think, if we were the final say all alone at the top of the thing, without the board having an opportunity, that there would like be, on the one hand, a chilling effect on—I do not mean that it would be conscious, but a chilling effect on the panel's ability to be totally objective about how they were reading the act and, second, as I said, I think, given a tribunal that had been able to be totally objective and come to a totally new position that was revolutionary in terms of what had gone before, if you will, just by reading the law that way, if the board did not have that opportunity to come back into the situation, I think my own guess is that the political pressures on the tribunal structure would be very serious. Whether it would be a structure that could endure over...

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(Mr. Ellis)

~~... it would be a structure that could endure over the long term~~
would be prolemaic, in my view.

Mr. McGuigan: I think the two situations parallel one another. Perhaps ours with a little broader parameters than yours, because we are not interpreting law. I think the two things parallel one another somewhat.

I just want to move on to this matter of catching up. Again, if I can use the parallel ?? members, it seems that the more cases that come to us and the more we solve, it means that for every one we solve, five more take its place. I am wondering, can you ever catch up as more and more people realize the benefits of appealing their case and going to you? Is it not a self-perpetuating event or process that you can never catch up? I hope to goodness you do catch up.

Mr. Ellis: One of the advantages that we have experience in the past year is that the incoming case load has been drifting downward, not upward. The reason for that is anybody's guess. I understand that the board also, at the hearing officer stage, is experiencing a very significant drop-off in the number of appeals at that level.

Mr. Wildman: All of the cases are sitting in the workers' advisory ??.

Mr. Ellis: That might be a factor, but also, I think that if the system is working well and the board is responding, in other words, you could have a situation where the appeals tribunal was going off in this direction and the board was going off in that direction, and so you would have an automatic appeal of all cases, from the board to the appeal's tribunal, but if the board is accommodating itself to the appeals tribunal, or in due course, the appeals tribunal is accommodating itself to 86n and the board of directors, whatever, but if it is one system going in one direction when the direction is influenced by the interplay between the two organizations, then it seems to me a situation where you will minimize the number of appeals because both the board and the appeals tribunal will be playing from the same song sheet, if you will.

Mr. McGuigan: So that there will be a body of law out there, a body of decision to use as a gauge.

Mr. Ellis: Yes, that is right. So that you will get better decision making, better in the sense of, to take one example that I think is true, on medical evidence, for example, before the appeals tribunal came into existence, our reading of the files that we then saw, and so on, was that the board adjudicators tended to defer to the opinions of the board staff doctors, and not to be equally influenced by the opinions of outside medical specialists.

One of the things that the appeals tribunal thought it necessary to do was, while it continued to respect the medical opinions of the board staff doctors, it did not think it right to defer to them, so we ended up looking equally at the outside medical evidence as well as the board doctors' medicine. That led, in the early going, to a number of decisions overturning the board's conclusion on the medical issue.

Now, our impression is that the board itself, first, is paying more

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attention to the outside medical evidence than it did in the past, and second, the board's staff is providing more extensive reasoned decisions, so that the medical evidence generally is better . . .

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~~medical evidence than it did in the past. Second, the board's staff is providing more extensive reasoned decisions so that the medical evidence generally is better and, in our view, being dealt with better at the board, as well as at the appeals tribunal. In that area, there is better decision-making that is occurring. Some proportion of appeals that are not necessary because people feel that they are getting a reasonable result.~~

1730

Mr. McGuigan: I am pleased to hear that because certainly a thing that bothers us is that one doctor says one thing and the board doctor says another and outside people, independent doctors say something else. We see that there is some movement and some compromises—perhaps that is not the right word, but a moving together of those opinions I find very gratifying. It seems to me what I think the injured workers feel they are being treated a little more fairly.

Mr. Ellis: That is one area where we think that the new structure has made a perceivable difference.

Mr. McGuigan: Just a final comment. I think it is very interesting that it is approximately \$5,000 a case. I do not think that is unreasonable to spend \$5,000 when you are talking about a person's future life, what the rest of their life is going to be like. If you spend \$5,000 on them, I do not think that is unreasonable.

Mr. Ellis: I think it also has to be looked at in the context if we are dealing with only 1.5 per cent of the total lost time workers' compensation claim, I mean at the appeals tribunal level, that is the number we see. The \$5,000 is, being applied in dealing with the most difficult of the cases.

In dealing with those cases, we are laying the ground work and the ground rules for all other decisions at some level or other. Those cases are difficult cases and with high stakes. People's reputation—we deal with cases of a serious suggestion of malingering and fraud. We have cases that involve substantial conflict on sophisticated medical issues. It involves determining how the act works at the margins of the system and in fact we are defining those margins. All of that, in my view, is worth doing. It takes time to do well and I think we are now in stride where we are doing it in a reasonably timely fashion as well.

Mr. McGuigan: ??One could speculate, but thinking of say doing that in the context of civil litigation, \$5,000 would not go very far in civil litigation. I gather you are a lawyer, are you?

Mr. Ellis: Yes. That is right. It would not go very far.

Mr. McGuigan: It seems to me that is kind of a bargain. That is all my comments and questions, Mr. Chairman.


Mr. Chairman: OK. Thank you. I wonder if we could have our researcher ask a question, Merike Madisso.

Ms. Madisso: Mr. Ellis, still on section 86n. I understand your

concerns about the tribunal's relationship with the board and you say that you want to wait for more cases to come in before you pronounce on section 86n, but my feeling is that section 86n is still a question of law. What does that section say? What are you bound by and what is the board bound by? Do you have a legal opinion on what section 86n says? Have you formed one? Are you planning on forming one?

Mr. Ellis: No. What our jurisdiction is to decide cases and to decide the legal issues necessary to decide those cases. It is not appropriate from an administrative law perspective, in my respectful view, that we should go out and get or form an opinion about what that section means, and until we have a case before us and have heard submissions from the parties on both sides of the case as to how it might be best interpreted and so on—

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means, and until we have a case before us and have heard submissions from the parties on both sides of the case as to how it might best be interpreted and then, and then in the ordinary process of our decision-making we will have a tripartite panel come to a conclusion about what we think the best reading of the section means.

What I was saying to the chairman was not that we would postpone a decision until we had a number of cases. What I was saying is that looking at, if I could, with respect, from this committee's perspective, you might be in a better position to make a good recommendation on how section 86n might or might not be amended if that recommendation were to wait until the appeals tribunal has had the opportunity to apply the section in a number of different fact situations.

Ms. Madisso: You are saying that you will be hearing submissions on the meeting of section 86n. Is that what you are saying?

Mr. Ellis: Yes.

Ms. Madisso: OK.

Mr. Ellis: To give a concrete example, the board has completed its review of our decision 72. We expect a decision from the board of directors on decision 72 in the near future. If the decision is—

Mr. Wildman: Can I ask a supplementary to that?

Mr. Ellis: Yes.

Mr. Wildman: How long has that review taken by the board?

Mr. Ellis: It has taken a long time for sure.

Mr. Chairman: Over a year.

Mr. Ellis: It may well be, yes. I think, in fairness, it has to be recognized that that was the first attempt to apply a very strange section. I mean strange in the sense of novel and ?? procedure that nobody has had any experience with. Everybody is feeling their way. Everybody on all sides of it.

Mr. Wildman: Sorry I interrupted, but now that the board has completed that--

Mr. Ellis: OK. So we are expecting a decision. Now, if the decision is that in its view our interpretation of the meaning of "personal injury by accident," which is the legal issue, was wrong, then we will presumably get a direction from the board to reconsider decision 72 in the light of its determination of how personal injury by accident is to be interpreted. At that point, we will reconvene that case and one of the initial issues will be what does that direction mean in terms of how does it impose constraints on the appeals tribunal with respect to the meaning of the personal injury by accident? Is it open to us to say, "We hear what you are saying and we see your reasons, but we still think you are wrong," and make the same decision, or does it mean that we have to start with the board of directors' interpretation of personal injury by accident and now consider, with that

interpretation, what result would follow in this particular case.

That issue as to what we are charged by the Legislature to do will be an issue in the case that will have to be argued by the parties who appear in that case and we will have to make a decision about the meaning of section 86n and the direction to us and so on in the light of those submissions. It would be inappropriate for us to have come to that process with a preconceived idea of what it means.

Mr. Chairman: OK, Merike? You do not look convinced. Mr. Ellis, what proportion of all the appeals that come before the WCAT panels—would almost all of them have an advocate on behalf of the injured worker rather than the injured worker himself?

Mr. Ellis: It is a very high percentage or a very low percentage of cases in which the worker comes by him or herself.

Mr. Chairman: How many would be lawyers? Any idea?

Mr. Ellis: The data that we put out in the report indicates, I think, that for workers it is about...it appears in appendix G of the second report. For worker representation, the figure is 21 per cent would be lawyers. That would include clinic staff lawyers.

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~~board. For worker representation, the figure is 21 per cent. That would be lawyers, and that would include clinic staff lawyers. For employers, the figure is about 19 per cent. So around 20 per cent of the cases would have lawyers on one side or the other.~~

1740

Mr. Chairman: So actually a higher percentage of workers have lawyers than employers?

Mr. Ellis: Yes. As I say, the clinics are quite active.

Mr. Chairman: Amazing.

Mr. McGuigan: As you know, Mr. Chairman, I fought a case and won it for myself. I was on the defensive. They wanted to put a great big penalty on me.

Mr. Chairman: Since the Workers' Compensation Appeals Tribunal was born?

Mr. McGuigan: No, before that.

Mr. Chairman: You would have lost it now.

Mr. Ellis: There has been a lot of trouble at our place.

Mr. Wildman: The comments made by my friend Jim McGuigan reminded me of comments in another context made by a very elderly and sage farmer in my constituency who had calculated how much the Ministry of Agriculture and Food's budget is each year, calculated how many farmers there are in Ontario and how much each farmer could get to abolish the Ministry of Agriculture and Food and just give the money to the farmers. It was an interesting approach.

Mr. Ellis: You would then have to have a tribunal to decide who was a farmer and who was not.

Mr. Wildman: Probably, and the lawyers would get involved.

In answering a couple of other questions, you alluded to a couple of areas that I would like to ask some questions about, that is, sections 77 and 21, in which you indicated that most of the decisions or a high percentage of the decisions had been---

Mr. Ellis: I do not have the data, but it is an impression.

Mr. Wildman: It is my impression as well that they have been decided in favour of the employer's view.

Mr. Ellis: There have been some notable dissents in that area.

Mr. Wildman: I am wondering, in determining those cases, what body of law is considered by the tribunal besides the Workers' Compensation Act?

Mr. Ellis: I think the area that is particularly influential as far

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as access to the file is concerned under section 77 would be the principles of natural justice, the common law having to do with the fairness of process and the principle where you have two parties in a proceeding, that it is very awkward and unfair to have one party working with one set of documents and the decision-makers working with that set of documents and the other party having no access to them.

Mr. Wildman: Is there also consideration of protection of privacy?

Mr. Ellis: Yes.

Mr. Wildman: How do you weigh the issue that you just raised, the fairness to ensure that both parties have access to the same documentation, and the concern over privacy of the medical records of an individual whose records may cover many other matters, not just the ones that are central to the issue at hand?

Mr. Ellis: There is a question of relevancy. Against the objection of a worker, we do not grant access to documents that are not relevant to an issue in the case. I believe the decisions have also identified an area where the prejudice to a worker from a privacy perspective is potentially very high . . .

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mq
(Mr. Ellis)

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an area where the prejudice to a worker from a privacy perspective is potentially very high and the weight and potential relevance of the document is marginal, the interest in privacy and not prejudicing the worker would prevail. But that has not occurred in many cases.

Mr. Wildman: It has been my understanding that the Workers' Compensation Board itself, in interpreting section 77—and I am not referring to WCAT rulings, but just dealing with cases—almost always or virtually always discloses. Have there been any WCAT decisions that would point the board to changing that policy?

Mr. Ellis: I do not think so.

Mr. Wildman: Now with regard to section 21, employer medical exams. I understand your argument with regard to section 77, that both sides should, in fairness, have the same documentation. I am still concerned about the privacy aspect, but I understand your view.

If an employee, an injured worker, has been examined by his own physician, by board physicians, has been reviewed by the board's surgical specialists, perhaps referred to an independent outside specialist by the board, I do not understand what justification there can be for allowing an employer to require a further medical examination by a doctor of their choice.

Mr. Ellis: Basically, we have the obligation to apply section 21 of the act, which is written in quite directory, involved language. It says, "Where an employer so requires, a worker who has made a claim for compensation shall submit to medical examination by a medical practitioner selected..." and so on. Then where the worker objects, it provides for an application to the appeals tribunal to hear and determine the matter.

The tribunal's approach to this has been dictated by a reading of what the Legislature intended from that quite directory and flat language in subsection 21(1).

Mr. Wildman: I understand that. I think as a committee, perhaps we might like to look at section 21 and consider whether or not there should be some provision for protection of the worker's privacy in the act.

Mr. McCombie: At the risk of disagreeing publicly with the chairman, I do not know that the—

Mr. Ellis: It is not a risk. He has been reluctant to run in the past, I might say.

Mr. McCombie: I do not know that the number of section 21 applications by employers, the percentage is that high. Certainly, my experience has been that a large percentage of section 77 applications have been granted, but it is a much smaller one for section 21. I do not think it is automatic that an employer gets a section 21 application.

Mr. Ellis: We have established criteria that require a demonstration that it is important for a workers' compensation purpose. We have also required—again, I am trying to recall the decisions—that normally the order will not go if the employer has been able to look at the existing medical

Mr. Ellis
reports before making the application.

Mr. Chairman: Thank you for coming before the committee. Your presentation, as always, has been thoughtful and thought-provoking and we appreciate your appearance before the committee.

Mr. Ellis: Thank you very much, it has been a pleasure. If I may say so, it is a process that— We were talking just in the break'''

R-1750 follows



~~Mr. Chairman:~~

~~as always has been thoughtful and thought provoking and we appreciate your appearance before the committee.~~

1750

Mr. Ellis: ~~Thank you very much, it has been a pleasure. If I may say so, it is a process that is. We were talking just in the book, it is a process that is a very useful discipline for the tribunal.~~

Mr. Chairman: On Monday, the committee will have before it the office of the employer advisor and the WCB rehab people. As you know, there is quite a flurry of interest around rehab these days, so I am looking forward to Monday afternoon.

One other thing I should tell members while they are here. Next Wednesday, at 11 a.m., injured workers have invited the committee—they did it verbally; they did not have time to get a letter out—to join them in front of the Legislature for a moment's silence for injured workers. June 1 is a day that injured workers have used for some years now as a symbol of their plight.

Mr. Wildman: What time?

Mr. Chairman: The actual moment of silence is at 11 a.m. I have in my book 10 a.m. for the beginning of it, because they have speeches and so forth. They wanted in particular to invite members of the standing committee to join them at the front of the Legislature.

We are adjourned until Monday afternoon.

The committee adjourned at 5:51 p.m.

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(Printed as R-9)

STANDING COMMITTEE ON RESOURCES DEVELOPMENT
ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986
MONDAY, MAY 30, 1988
Draft Transcript



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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Staff:

Madisso, Merike, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Labour:

Mandlowitz, Jason, Director, Office of the Employer Adviser

Revington, Daniel, Manager, Regional Services, Office of the Employer Adviser

From the Employers Advocacy Council:

Thrasher, Rick, Executive, Windsor Chapter

From the Workers' Compensation Board:

Kaegi, Dr. Elizabeth, Vice-President, Policy and Special Services

Czetyrbok, Michael, Vice-President, Client Services

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday, May 30, 1988

The committee met at 3:33 p.m. in committee room 1.

ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986
(continued)

Mr. Chairman: So, we have before us Jason Mandlowitz, Director of the Office of the Employer Advisor. Mr. Mandlowitz, perhaps you could introduce your colleagues.

Just one question though, before we start. I understand that it is your intention not to read the brief but to highlight it, is that correct?

Mr. Mandlowitz: That is right. I will walk you through it.

Mr. Chairman: Right. OK. Perhaps just as a way of starting, after you introduce your colleagues, you might explain how you see your role at the Office of the Workers Advisor in terms of advocacy for—sorry the Office of the Employers Advisor, as you see yourself as advocates for the employers in Ontario. Perhaps you could introduce your colleagues and proceed.

OFFICE OF THE EMPLOYER ADVISOR

Mr. Mandlowitz: Thank you Mr. Chairman. On my right is Dan Revington, who came to the office as one of the original four employer advisors back in very early 1986. He is currently manager of regional services with responsibility for employer advisors outside of Toronto. On my left is Sean Ford, who also came to the office as an employer advisor...

R-1535 to follow



(Mr. Mandlowitz)

~~...back in very early 1988. He is currently manager of regional services, with responsibility for employer advisors outside of Toronto. On my left is Oscar Ford, who also came to the office as a consultant, last November and is currently our policy analyst.~~

Let me deal with advocate for employers a little bit later on—

Mr. Chairman: Fine.

Mr. Mandlowitz: —but I will come back to it.

As you have indicated, I do not intend to read this lengthy presentation into the record. I think there are some introductory parts of it that I would like to bring to your attention and to focus specifically on the policy recommendations, as we call them, later on in the submission.

The Office of the Employer Advisor was created effective October 1985 by an amendment to the Workers' Compensation Act. It was at the same time that the Office of the Worker Advisor was created and the Workers Compensation Appeals Tribunal and the Industrial Disease Standards Panel. The OEA is a free service and a branch of the Ontario Ministry of Labour whose budget is fully charged back to the Workers' Compensation Board Accident Fund. The mandate for the office, or the legislative authority resides in section 86(r) of the act as is listed on page 1 of the submission.

The objectives are as follows: to ensure the workers' compensation system in Ontario provides fairness and is sensitive to employer requirements; to provide a voice for employers within a WCB and WCAT claims review and appeals process; to acquaint employers with the WCB and WCAT practices; to provide employers with direct representational assistance on WCB and WCAT issues and at their hearings; to communicate employer/workers' compensation concerns to legislative and administrative authorities and finally to educate employers on the full range of the workers compensation statute, regulations, policy and procedures to facilitate employers helping themselves and dealing with WCB and WCAT.

At its inception in October 1985, the office was located in Toronto, with a staff of eight, four of which were advisors and a half year operating budget of \$200,000. As of this point in time, we have a staff of 27 in offices in Windsor, Kitchener, Sudbury, Ottawa and Hamilton. That is broken down for you on page 3 of the submission. The total budget for 1987-88 was \$1.547 million.

Let me go on—and this will link up, I think, to the question from you Mr. Chairman—to talk a little bit about client service and to talk about client evaluation of our service. Service demand on the Office of the Employer Advisor has increased dramatically since its inception. In the period October 1985 to March 1986—that was that first six month period with the \$200,000 budget—we serviced 750 employers. In our first full year of service, 1986-87, we serviced 3,960 employers and the fiscal year that we have just completed the OEA will service about 8,000 employers through our advisory program and table 1 located between pages 5 and 6 break down our service demand by contacts, files, by office and does some trend line analysis for you.

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For 1987-1988 the increase in employers seeking OEA service will be by 101.5 per cent. In addition to 8,000 employers serviced by our advisory services, we will also have in process slightly over 2,000 case files. The OEA will have served as employer representative in just under 200 hearings, before either the WCB or the WCAT, and will have reached 2,000 employers through about 50 workshops across the province. In addition to those workshops, we did about 160 other external public events. Approximately 10,000 employers will have been reached directly through our service in 1987-1988. And about 17,000 since the office was established.

The most interesting and significant part of the demographics of the client group, is that it is essentially small business. About 75 per cent of our demand emerges from firms with under 100 employees. I think that is consistent with the debate that the legislature conducted on the issue and their expectation that we would essentially...

R-1540 to follow



(Mr. Mandlowitz)

... about 75 per cent of our demand emerges from firms with under 100 employees and I think that is consistent with the debate that the legislature conducted on the issue and their expectation that we would eventually be servicing small firms in the province of Ontario.

1540

In—this is on page 6—in July and August of 1987 we administered an in-house client survey, looking at Metropolitan Toronto area clients. We surveyed about 115 employers by phone on a random basis. This was a prelude to making a decision about going into the expense of a more scientifically based survey. I think the results were interesting and obviously the results must have been good or I would not be tabling them today. We asked employers how they had learnt about us and we know that about one half learnt about us through their trader business association; about 15 per cent from the media; about 18 per cent were referred to us directly by the WCB. The full details of this survey are in appendix 1.

We know that about two thirds of employers who came to us had a claims-related problem; either wanting to challenge the entitlement of a worker or challenging the extent of the entitlement. About one fifth of employers had assessment problems or classification problems. Things like, "I am in the wrong rate group, get me out of here, put me in a rate group where I really belong." The overall average that service rated at was an A-; we simply asked employers on a scale of A to F to score us, and recorded them.

The remainder of the survey indicates the type of assistance that was provided. It is interesting to note that 94 per cent of respondents indicated they would use the service again; 37.5 per cent indicated that we had saved them some money, with slightly over 40 per cent unsure as to what our success had been because the case was still pending. If you juxtapose that experience, it would be about 50 per cent of employers, whom we deal with, we can save some kind of money.

Mr. Chairman: How did the 50 per cent who did not know about you rate you?

Mr. Mandlowitz: The 50 per cent who did not know about us?

Mr. Chairman: I thought that you said at the beginning that about 50 per cent had heard about you.

Mr. Mandlowitz: No. Fifty per cent heard about us through a particular vehicle, which was the Trader Business Association.

Mr. Chairman: Oh, I see.

Mr. Mandlowitz: All of them had heard about us because they were all our clients to begin with.

Given the positive response in the survey, we have tendered and will be awarding a contract to an outside consulting firm to administer a province-wide market penetration study to better assess our performance and provide critical data for strategic planning purposes. I am particularly

interested in the results that will be coming from eastern and northern Ontario on that. I think we have a pretty good feel for Toronto and southwestern Ontario.

In terms of education, the OEA education and training program underscores the program's objectives to facilitate employers to help themselves in dealing with the WCB and WCAT. The education approach consists of publications, workshops and an internship program. We have prepared three brochures that are available and have already been mailed to members offices; that was done in March. They include three; a general brochure entitled "Advising Ontario Employers on Workers' Compensation", a specific brochure on double assessment and a brochure on the workers' compensation appeals process. These brochures are available in English and French and about 80,000 have been printed and distributed since we have been in business. In addition, we do specific information bulletins, again in English and French on a number of select issues; like reporting techniques, rate reclassification and earnings and wages for WCB purposes. On the drawing board for this year are additional publications to deal with issues like the second injury and enhancement fund, obtaining a firm account and tips for employers so they can represent themselves at hearings.

This is where I am going to not walk through the submission but rather run through it a bit. I am going to disregard page 10 and I am going to disregard all the good things we have done on policy development. We have listed 10 kinds of issues that we take a role in, from responding to the board's call for a paper on hearing loss to specific recommendations and positions we take to the board, like invoking section 91(6) of the act.

Generally speaking, when we do policy, we do regard ourselves to be advocates for employers. The source for our information comes from two sources; one, our clients, who come to us with particular problems and say

R-1545 to follow



(Mr. Mandlowitz)

~~... we do regard ourselves to be advocates for employers. The source of our information comes from two sources: one, our clients who come to us with particular problems and say, "here is the particular problem, but here is the issue, can you do something about the issue?", and in consultation on an ongoing basis with business and trade groups representing employers. We do consultations with individual employers on a regular basis and consultations with associations on a regular basis. We are just now, in the middle of a travelling roadshow that has already been to Windsor and Kitchener, and will be to Hamilton and Ottawa this week, then Sudbury, Thunder Bay, Sault Ste. Marie. In the weeks following, we will see about 200 employers and just ask them, what is happening; essentially, what is happening and how can we be of help to you.~~

In addition to our own work, obviously employer groups are making their WCB views known. To try to get a feel for the activity level of the clients, we in August or September 1987 prepared and mailed a survey to business associations. We targetted 45 major associations for the survey. The full results of the survey are in appendix 2. The response rate was about 50 per cent; I think 24 associations responded representing 65,000 Ontario employers. What was interesting about the result, from my perspective, was that 95.2 per cent of respondents indicated workers' compensation was a significant problem, with 4.8 per cent indicating it was a minor problem. No one indicated that it was not a problem.

On page 13 we have listed the nature of the problem simply by totalling up the responses by employers. Claims comes out ahead, assessment second, general costs third, and you can follow it down to definition of accident, return to work, chronic pain, WCAT and so on. I will leave those survey results with you; the other sections of it were to try to get a feel for the nature of the representation and the levels of lobbying that employers engaged in through their organized structures.

A number of comments or observations can be made with respect to the 1986 annual report of the board. I am not going to go through all of them but, just to table some of the things that we found interesting in the data. First, significantly, while the total claims in 1986 and 1980 were about equal, many more lost time claims were approved by the WCB in 1986. It seems to us that the WCB is instituting and awarding benefits on the doctor's first report and then requiring additional information from the employer, and/or worker. In 1986, 86.4 per cent of claims instituted on the doctor's first report were paid within 10 workdays, 97.7 per cent within 20 workdays, compared to quite significantly reduced data for 1980. That is point 5 on page 15 for your information. More awards are being granted on less complete file information, we believe. Average duration on benefit has increased from 23.4 workdays in 1980 to 35.7 workdays. That represents an increase of 52.6 per cent. Further, WCB review services are reversing more decisions taken at lower levels. We will speak to that and a recommendation later.

The final two points I would make on the board data is to point out that the financial statement in the annual report makes no provision and contingency liability for WCAT decisions. This will be a noteworthy factor to watch in a WCB annual report for 1987. Similarly the financial statement could not have made provision for new WCB policies and their impact on liability like chronic pain. It is just working its way through the system. These kinds

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of costs data, I think will be very noteworthy and significant factors for future WCB annual reports.

I am trying to get through that background quickly to get to the real reason we are here now. Most of you have already read the executive summaries, so I can proceed. Just for your convenience, the recommendations that follow are summarized in the executive summary, which is the preamble to the document.

Employers in Ontario and the Office of the Employers Advisor generally support the fundamentals of a legislated workers' compensation...

R-1550 to follow



(Mr. Mandlowitz)

I have summarized in the executive summary, which is the preamble to the document.

1550

~~Employers in Ontario and the Office of the employer adviser generally support the fundamentals of a legislated worker's compensation system. I can honestly say I have never heard an employer who has said: "Scrap workers' compensation," or "Return to tort liability." I have not heard a union that has said, "Return to tort liability," either, but I do not speak to them quite as often. Much of the 1915 accord is relevant today and should continue to form the basic underpinnings of a workers' compensation approach in the province.~~

Workers' compensation principles include the following, and this is by no means an exclusive nor a prioritized list:

- (1) employers should fund what is a fair and affordable system;
- (2) speedy adjudication and the provision of benefits to workers injured in the course of and related specifically to employment;
- (3) sensitive and meaningful investigation of questionable circumstances surrounding a claim;
- (4) guaranteed access and meaningful responses from workers' compensation delivery agencies;
- (5) guaranteed avenues of input to the evolution and development of policy in workers' compensation issue areas;
- (6) accurate and proper classification and assessment of employers, including merits and demerits and experience rating; and
- (7) swift and humane workers' compensation rehabilitation to facilitate early, early, early return to work.

In the administration of the act over the years, the Workers' Compensation Board has developed a body of policy and procedures, only a portion of which is published and readily available to stakeholders. By that, I mean the six policy binders that are available and can be purchased from the board and, of course, the act. The overwhelming majority of board policy and procedures have been developed in a vacuum, that is, without prior consultation with stakeholders. The policy process at the WCB has tended to be one of notification, not consultation. By way of example, I suppose I point to the chronic pain policy and the issue of retroactivity which emanated from the chronic pain debate.

As a result, the employer community has registered its dissatisfaction with many of these policies.

The remainder of this section shall focus on policy concerns most frequently articulated by employers to the office of the employer adviser regarding the Workers' Compensation Board. I want to stress that this is not a

Mr. Mandlowitz

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list that we magically created walking on day on the street. These are the issues we hear most frequently from employers on. I will be glad to flesh them out by way of question and answer later. Again, they are not in a priority setting; they are just listed in a logical fashion.

In terms of the administration and claims issues at the board, the first issue we want to raise with you is disclosure of information. The board has taken the position, at least in exchanges of correspondence with us, that disclosure of information is limited and where powers beyond section 77 exists, they do under section 81. This includes insurance records, Ontario health insurance plan information, and so on, which would be relevant to the adjudication of occupational diseases, benefits generally, second injury relief situations, and so on. Under section 81, disclosure would occur at the hearings level only, and form an inquiry-type situation, mitigating resolution of issues in dispute.

As a result, critical to the issue of disclosure and board powers to compel production is legislative intent. We submit that powers to disclose information, as we pointed to above, already are provided by the act to the board.

Without adequate disclosure and production, various sections of the act, like section 122, the occupational disease section, would be rendered meaningless. This was also recognized by the previous standing committee on resources development through the following recommendation as part of its report on the WCB annual report, 1985, "The Board should ensure the effectiveness of the system by obtaining all relevant information and evidence prior to the initial adjudication of a claim."

The Vice-Chairman: Sorry. Do you understand that to mean full disclosure, as well?

Mr. Mandlowitz: No.

The Vice-Chairman: OK.

Mr. Mandlowitz: Clarification of the legislative intent in this regard would be greatly appreciated.

Hours of Service: In order to provide better service to its clients who may be unable to access the board during current regular business hours, we are proposing that the board extend its business hours in all locations to one evening a week...

R-1555-1 follows.



(Mr. Mandlowitz)

~~Hours of service. In order to provide better service to its clients, we may be unable to access the board during current regular business hours. We are proposing that the board extend its business hours in all locations to one evening a week, remaining open to 10 p.m. and that this be introduced as a pilot project by location for one year, beginning in 1989. We have heard from, for example, independent loggers in northern Ontario or small contractors anywhere in Ontario that they have a particular focus during the day and it is not dealing with government. They would like to have an opportunity where they can get the information they need on their own terms.~~

It is interesting--if I could go off tangentially for a second--that we get a tremendous number of wrong phone numbers and a lot of them rightly belong with employment standards. It is not only employers who call us but also workers who have a problem when we refer them to the employment standards branch. They suggest the same problem, that they have difficulty, particularly the workers, making the phone call to the board or to government when they want to, i.e. the only quiet time they might have on the phone in the office is lunch and it is difficult to get a hold of some of us at lunch. This recommendation, I would suggest, is broader to the operations of government generally. Your question to me is: "Would we be prepared to duplicate this kind of service?" The answer is yes.

Head office toll-free telephone service: To facilitate employer concerns regarding consistent board information on financial and revenue matters, we are recommending that the board implement, as soon as possible, a head office province-wide, toll-free telephone line to provide employers with consistent information on financial and revenue matters. It is a major, major area of importance, particularly at the beginning of the calendar year when the employer's statement of payroll goes out and small firms need assistance in dealing with that kind of information.

Publication of WCB classifications manual: Currently, the board publishes six policy manuals, which are critical to an understanding of adjudicative and other processes. Employers have indicated, a critical business and administrative problem is the board's classification system, as administered by field staff.

To assist employers in ensuring that they are properly classified, it is essential for the board to prepare and publish a classification manual, which should be made available on a top-priority basis. Often, a classification problem begins when a company is established, and it never goes away. To ensure a minimum of initial classification difficulties, we recommend that the board establish a target for a new firm, on-site, classification reviews, particularly for employers with multiple product lines or diverse service capabilities.

Reorganization of review services at the board: The appeal process respecting workers' compensation is cumbersome, lengthy and costly for claimants. Within the board, multiple levels of appeal are available, including two written appeal avenues—one to the adjudicator and one to the decision review specialist. It is our view that the decision review specialist is redundant and that a single written appeal opportunity is adequate. After a claimant has been denied by the claims adjudicator and subsequent written appeal has been considered and denied, the claimant should move directly to a

Mr. Mandlowitz

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hearing. I guess the word "directly" should be stressed.

Decision review specialists should be reallocated to the role of adjudicator. This reflects our thinking, as well as the principle enunciated, again in the 1985 standing committee report, which said, "Clearly, decision-making at the primary level is in need of dramatic improvement." Let's move beyond that; that is really what we are asking for today. But if that makes sense to you, I think there is also a powerful argument to be made for looking at amending the hearings officer level, as well.

Subsequent to the reconsideration of the claims adjudication level of the board, there is no reason to delay both determination of entitlement or other considerations through a lengthy board process. Logic would dictate that justice can be served and seen to be served by a sensitive initial adjudication process—Get the decision right the first time—using an integrated service unit approach with one level of appeal followed by leave to appeal at the Workers' Compensation Appeals Tribunal.

~~The 61 staff now employed the decision review branch and the hearing branch together, at an annual cost of about \$4.5 million.~~

R-1600-1 follows.



(Mr. Mandlowitz)

~~... appeal followed by a review by the board of the board of appeals.~~
~~tribunal~~

1600

The 61 staff now employed by the decision review branch and the hearings branch together, at an annual cost of about \$4.5 million, could be redistributed among the integrated service units to both improve adjudication by bringing senior WCB staff to the claims adjudication process early on in the life of the claim, and by quickly adjudicating a claim with more experience and accuracy, thereby enhancing an early rehabilitation approach. We have some difficulty reconciling discussions and agreement on early intervention with a very lengthy appeals process which, in our experience, could go three years.

Further, the previous standing committee on resources development recommended as follows, and I believe this should be adopted: "To ensure that the workload at the claims adjudication level is properly handled, the case load of individuals adjudicators should not be affected by factors such as inadequate staffing, vacation periods, illness, etc. In addition, the board should endeavour to organize matters in such a way that files do not move from adjudicator to adjudicator." That is dead right, and I think we will all be watching the integrated service unit approach to see if that is the answer to this problem.

I am going to keep going, and if there aren't questions on this issue, I would like to return back to it because I think it is significant.

Notification procedure: The employer community has criticized board notification requirements as arbitrary and confusing. For example, the provisions of section 121 of the act are inconsistent with the WCB's Employers' Report of Accidental Injury or Industrial Disease. This is commonly referred to as Form 7. As a result, a debate across the province has emerged, respecting how to notify the board in cases of workplace incident. If the board is to retain a single form for notification, we propose a number of changes to it. I should say, incidentally, that Form 7 is part of the package and is in appendix 3. It is reproduced as two pages. For those of you who are familiar with Form 7, you know it is one leaf printed back to back.

1. The current Form 7 should be lengthened to accommodate greater space to report details.
2. The current form should be available in English and French.
3. It should be in keeping with information requested in section 121.
4. An appendix should be provided by the board as an add-on to the form, so that an employer can provide full details of an inspection. I would cite for you on the form itself, at the beginning of the third section, there is a small print which says, "If the employer responds yes to a number of questions, they are invited to attach a letter, if necessary." I would like to see that letter replaced with an appendix, where the employer can indicate on

the same package exactly what the nature of the problem is.

5. This form in its current publication is part of the employer's sense


that the board has a blank check to pay claims and part of that evolves, I believe, from the title of the form. It is called Employers' Report of Accidental Injury or Industrial Disease. Employers are telling us that this indicates to them they are reporting something if, in fact, they do not believe there was an accident or if they want to, through a couple of the questions, indicate they are questioning the legitimacy of the claim.

6. To accommodate that concern, we are recommending that you simply change the name of the form to Employers' Statement, and that makes it far more neutral, and that the position of claim number, which is very prominent on the claim form—in fact, it is right beside the title, again underpinning this notion that we are reporting something, whether we believe it or not, and it is going to be paid because they are putting a claim number right up front can be very easily dealt with if the claim number is put at the end of the form, in a shaded area, much like most other forms.

7. Finally, carbonless paper be utilized to allow the employer to keep a copy of the report. That would be particularly useful for small firms that do not have photocopying facilities.

Those are seven sort of cosmetic and very simple recommendations to make the form appear to be a more objective document. It is our recommendation that the board should strike a working group to redesign its notification requirements beyond this, and that be done with stakeholders.

R-1605-1 follows.



(Mr. Mandlowitz)

~~... appears to be a more objective document. It is our recommendation that the board should strike a working group to redesign its notification requirements beyond this and that be done with stakeholders.~~

Employer Notification, again, section 121: Recommendation 7:

Currently the act and board policy differ in so far as the act provides for an employer to notify the Workers' Compensation Board of an accident three days after learning of the same; whereas board policy provides up to 10 days.

We recommend that employer notification should be three working days after the employer is made aware of the occurrence of an accidental injury or occupational disease.

Doctor's First Report to the WCB: Recommendation 8:

This is commonly referred to as form 8 and among employers has been criticized as inadequate for the proper adjudication of a claim. For example, employers tell us, and we have seen it in files, that a patient's medical history is never provided. Such information is critical to the adjudication of an occupational disease claim. It is important to the treatment of nonoccupational disease claims as well.

We recommend that the industrial disease standards panel review form 8, and provide revision pursuant to clause 86p(7)(c) of the act. We note as well, the previous recommendation of the standing committee on resources development committee: "The board should strengthen its role in undertaking a full investigation when an industrial disease claim is presented."

Access to WCB Information, Worker's Claim File: Recommendation 9:

Currently subsection 77(1) of the act allows a worker complete access to the WCB file. Subsection 77(3) allows an employer access to copies of only records relevant to an issue in dispute. Subsection 77(7) provides that no employer shall receive any medical information except in a form calculated to prevent the information from being identified with a particular worker. Subsection 77(8) provides that for those employers in violation of subsection 77(7), an offence under the act has been committed.

We recommend that complete and full disclosure be given to the employer, similar to that given to the worker, with the understanding that available information is to be used for the pursuance of a compensation issue only as certified by an employer-signed undertaking. An employer violating such an undertaking would continue to be in violation of subsection 77(8) of the act.

The Vice-Chairman: Could I just ask a short question for clarification? Surely the worker is being given full disclosure about himself.

Mr. Mandlowitz: Yes.

The Vice-Chairman: It is a somewhat different situation from the employer to be given full disclosure about another individual.

Mr. Mandlowitz: What we are seeing in the files though is

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information that is really relevant to the specific claim. I do not believe we have seen a great deal of information which is not pertaining to the particular issues that are identified in dispute in any case.

Occupational Disease Schedules: Recommendation 10:

Currently, the act provides for schedule 3 and schedule 4 listing compensable occupational diseases. The act has an incomplete schedule 3 and no schedule 4.

We recommend an updated schedule 3 be provided either in updates to board policy manuals or accompanying annual assessment notice mailings to employers, and the employers shall make this new information readily available to workers.

Notice of Accident: Recommendation 11:

Currently, there is a conflict between the act and board policy pursuant to subsection 70(1). The act provides that compensation or health care is not payable unless notice of the accident is given and unless the claim is made within six months from the happening of the accident. Board policy, and we have cited the notation for you on page 27, stipulates the claim may be made six months or more after the happening of the accident. The question arises as to whether a statute of limitations is envisaged by the act.

We submit the need for legislative direction to reconcile this matter.

Serious and Wilful Misconduct: Recommendation 12:

Currently there is a conflict between subsection 3(7) of the act and board policy. The act specifies that "where an injury is attributable solely to the serious and wilful misconduct of the worker, no benefits or compensation are payable unless the injury—

R1610 follows



(Mr. Mandlowitz)

~~When benefits or compensation are payable unless the injury results in death or serious disability."~~

1610

Board policy stipulates that "a serious disablement is one where more than six weeks temporary total disability is seen or where a permanent disability is evident."

We submit the board policy is inappropriate and differs from legislative intent. The board should be provided with legislative direction regarding the adequacy of the six-week rule in the light of an overriding commitment in the act, as we read it, to prohibit benefits in cases of serious and wilful misconduct.

We move into some assessment and cost issues.

Voluntary Employer Deductible: Recommendation 13:

Research has already been conducted and discussions held with employers on the issue of a WCB voluntary employer deductible. This is a complex issue but is already in place in the Quebec system.

We recommend that the board in Ontario study this and report within one year on the feasibility of integrating a voluntary WCB deductible into the current Ontario system. That would operate essentially, as you conceive, of the current deductible and personal auto insurance.

Filing Deadlines: Recommendation 14:

To respond to complaints and concerns from small business and multi-establishment employers who currently experience problems fulfilling the T4 federal filing deadline and the WCB filing deadline on the same day and where this is now applicable given some of the changes and pilot projects of the board, we recommend that the WCB filing deadline be extended two weeks.

Recommendation 15: Third-party Cost Recovery:

This is a lengthy section. Let me summarize it briefly and then you can read the details.

We are seeing situations—and they are by no means epidemic, but there are enough to drive us into levels of concern—where a claim is established and it is a result of the third-party accident, for example, the board will settle very quickly with the private insurance carrier, for example, two months after the incident. After two months, many of the Workers' Compensation Board cases do not plateau. Medical assessments do not occur. Pensions are not assessed. So we find that when the total bill for the third-party issue is added up, it can be significantly higher than what the board has recovered, because, we believe, they acted too quickly.

We are in a case now whereof I can give you tangible numbers but not the name of the employer. After two months of the claim, the board, without consultation with the employer, settled for \$22,000. A year later, the total

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bill was \$76,000; the \$54,000 were attributed to the accident fund. So we are very concerned about this growing tendency of the board not to fully recover costs. That is not even a benefits issue; it is a good business issue, and I think it has impact on the integrity of the accident fund.

Recommendation 16: Second Injury and Enhancement Fund:

This essentially recommends that it be codified, that it be put in the act. Currently it resides only in the realm of board policy, and we have given you some wording that we hope you will look at to guide you.

Board policy on the second injury relief fund should be developed in consultation with the employer community in schedule 1, which is the only part of the employer community available for the second injury and enhancement fund.

Recommendation 17:

This deals with the issue of treatment of contractors and subcontractors. We do a lengthy background paper and recommendations in appendix 4. I raise it here as a concern. I do not want to speak to it except to say that I think it is something that the construction industry and the board must deal with. If you want to pursue that further, we can.

Recommendation 18, on page 34: Employer Penalties under Section 91:

There are quite a few of them. Under section 91(4) of the act, the board has historically been allowed to penalize employers in the general area of health and safety where there was risk in the workplace to workers. That

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(Mr. Mandlowitz)

~~... to penalize employers in the general area of health and safety where there was risk in the workplace to work.~~ That section of the act has newly been elevated to the level of policy by the Workers' Compensation Board, without equally elevating subsection 91(6) of the act, which is the mirror image merit to employers where they have done these things. This recommendation suggests that the board does not have a choice, that it must elevate subsections of the act to the level of policy and administer them.

The Vice-Chairman: Perhaps for the benefit of the members you might relate that to the experience rating system.

Mr. Mandlowitz: OK. It is quite different from experience rating. It is a unique penalty, so it is not linked to experience rating at all. Aside from assessment rates, there are three general additional penalty merit sections. One is experience rating. I believe approximately 53 of 109 industry rate groups are now experience rated. In a nutshell, a rate group will have its frequency cost retrospective experience—and in some cases future experience—evaluated. An average score will be determined and for every employer who does better than average, they can get some money back. Every employer who does worse than average can pay some additionally. That is experience rating.

Subsection 91(7) of the act provides for double assessment. That is quite unique. The health and safety authority for penalties in merit resides with subsections 91(4) or 91(6). To give the board credit, we now understand that it is developing policy for subsection 91(6). I know that because I met with it a week ago to begin to talk about it. So we raised the recommendation because we want to ensure that it does it, and I am ensured in writing that it is moving in that direction. I think that is exactly where it should be. So we will be watching to ensure that subsection 91(6) is approved by the board of directors of the WCB. I simply do not think they have a choice. It is in the act and one must scratch one's head when one learns that those sections have never been used.

Recommendation 19 deals with subsection 91(7). It points out that currently the WCB may penalize an employer under subsection 91(4), the health and safety section, and subsection 91(7), which is the double assessment. Subsection 91(8) of the act allows for employer relief to subsection 91(4), but the act is silent on relief of subsection 91(7). The board does relieve it on the basis of policy. I think we would be a bit more comfortable if we saw that in statute. We are almost finished. There are about four to go. I am just going to pause for a second.

Recommendation 20, stacking of benefits: further to the work of Paul Weiler, we recommend, and I think the board endorses this, that no stacking of benefits be permitted. Recommendation 21, board recovery of overpayments: significant employer concern has been that the WCB has been unable or unwilling to act aggressively to recover benefit overpayments, particularly in cases where fraud was successfully prosecuted. This issue is significant and merits consideration as regards new legislative action. It seems to us that the board currently does not have the legal recourse it needs to pursue overpayments, specifically in fraud cases, and we would like the board to have that authority.

The last two recommendations are—and I highlighted recommendation 22

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last year—that we believe some intention has to be given, beyond what the board is doing now, to the adequacy of its communications and consultation with stakeholders. We recommend that a formal structure be established whereby early publication of proposed changes by the board, or new policies that it is coming forward with, board regulations and administrative guidelines occur and that they be published at least semi-annually in the Ontario Gazette; that for each new or changed issue information be printed in the Gazette indicating why the change or new policy is required, the impact on labour and management, research done on the issue, a WCB contact co-ordinating the review of the issue, the phone number and name of the contact and the proposed date the policy has been set for implementation and effect.

~~The board would be prohibited from implementing these changes or new issues.~~

R-1620 follows.

~~... the phone number and name of the contact and the proposed date the policy has been set for implementation and effect.~~ The Workers' Compensation Board would be prohibited from implementing these changes or new issues pursuant to the schedule established in the Ontario Gazette, allowing a minimum of three months for input from interested parties from the time of the Gazette publication to the policy implementation date. This is very similar to the federal government's regulatory agenda.

1620

Finally, classification of employers based on risk. One of the first questions we have to address when an employer puts an assessment question to us is that classification is an end product and not risk. Nevertheless, I think the employer community has raised a valid concern regarding the classification of employers in rate groups based on the level of risk. There are a couple of recommendations specifically from clients that I table today:

1. The board should set up an experimental annual review process to ensure that companies with substantially different business operations and different levels of risk are not included in the same rate group. If you look at the current table of rates, you will see some rate groups that have a huge mishmash of employers and logic does not indicate that they are doing the same business or necessarily should be in the same rate group.

2. The two target industries for priority review would be, first, the food and convenience retailers and, second, retail picture framers. They are both small firms that are put in rate groups with other kinds of industries and other large employers and have some difficulty being there.

The final word I say is just to take you through the appendices. Appendix I is a client survey that I made reference to. Appendix II is the ??Ontario Office of the Employer Adviser association survey that I made reference to. Appendix III is a copy of form 7. Appendix IV is our background paper on contractors and subcontractors in the construction industry. Finally, appendix V is our provincial update, for your information, on a number of employers we have serviced, and that kind of thing.

The Vice-Chairman: Thank you very much. You have done an admirable job of getting through a heavy load of material quickly. We do not have a great deal of time. I suggest that we should open it for questions and then if we do have time remaining that would give the opportunity for the Employer Advocacy Council, then we will do that. Members comments or questions?

Mr. McGuigan: What has been your experience, or can you shed an opinion on the system whereby the directors of the corporation can turn over decisions that are made on lower levels? What is the right name of that group; those people who—

The Vice-Chairman: I do not think you are speaking enough into the mike. Hansard seems to be having some difficulty.

Mr. McGuigan: ?? ?? I lean back. The directors of the corporation can overturn decisions.

Mr. Mandlowitz: By the Workers' Compensation Appeals Tribunal?

Mr. McGuigan: Yes. What is your experience there?

Mr. Mandlowitz: This has been the question of the committee. I note all of the witnesses who have been here it is ??86n. and other related things.

Mr. McGuigan: Right.

Mr. Mandlowitz: Let me preface it by saying that we have not surveyed our clients on the issue so I will speak anecdotally. I think employers really want some finality in the process, and I think so do workers. We have seen, and you can see it in the WCAT data, that from input to output, not just the WCAT but in the system, is a horrific length of time. We try to keep data on that length of time. When I say three years, I am not exaggerating it at all. So I think there is a real call for finality. The issue of how that finality should play itself out is really behind the question of 86n.

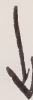
Again, I am going to try to answer it anecdotally. My experience talking to employers is that they believe that the policymaker in the workers' compensation arena is the board, and should be the board. Therefore, if there is finality, it should rest with the board.

The Vice-Chairman: Is that it, Jim?

Mr. McGuigan: That is all I wanted to know.

The Vice-Chairman: Are there any other members?

R-1625 follows.



~~(Mr. Mandlowitz)~~

~~should rest with the board.~~

~~The Vice Chairman is that is, Sir?~~

~~Mr. McClellan: Yes.~~

~~The Vice Chairman: Any other questions?~~

Mrs. Grier: I am interested in that it appears your advocacy goes way beyond just dealing with individual claimants. You are talking about policy, attitudes, and things. Yet my understanding of workers' advisors is that they very strictly deal with the individual and the claim, rather than assist the workers in advocating on behalf of policy changes or deal with policy changes that may be promulgated. Could you perhaps comment on that and explain that difference to me?

Mr. Mandlowitz: I agree and I disagree. I think that both offices are involved in advocacy within the context of individual claimants. That means they not only seek to bring new evidence to a hearing, but also to advocate on the nature of how the act should be interpreted and how board policy should be interpreted.

I have sat in on a number of meetings with Mr. DiSanto, who is my associate, and I can tell you that both of us do advocacy. On some issues I win, and on some issues he wins. You win a little, you lose a lot.

I think that it should be clear, and I am just going to explain my interpretation of the two offices, that the individual employer or worker advisor is essentially a claims' manager, and that where advocacy takes a greater role, it resides in other staff in the two offices. For example, while we have a policy analyst, the Office of the Employer Adviser has a group of individuals under Alec Farquhar to do research and to provide advocacy support and research support for worker advisors. Clearly, they go forward with policy kinds of issues.

In my judgement, it is quite clear that they have a structure that is in place to do that. I have sat on too many committees, with Alec particularly, and others, not to believe that is not the case.

To understand our structure, there are people who spend 100 per cent of their time assisting clients and other people doing this kind of work.

Mrs. Grier: You may not be the appropriate one to ask, but I do not know whether they have asked their clients to do an evaluation survey of their services. Do you know whether they have?

Mr. Mandlowitz: I am not aware that they have.

Mrs. Grier: If you compare their ratings to yours.

Mr. Mandlowitz: I am sure they will get an A rating.

Mrs. Grier: Can I ask questions specifically on some of the points I did not understand as you went through the brief?

Mr. Mandlowitz: Sure.

Mrs. Grier: On page 15, where you say that more awards are being granted on less complete file information, is that a critical comment or merely an observation? What was your intent there?

Mr. Mandlowitz: Both. I would say that it would not have been unusual 10 years ago to have the board not approve a claim unless there was a statement in the claim by the worker and/or the employer. Today, quite typically, a claim is established without a statement of information from the employer. That is where I mean it is inadequate.

Mrs. Grier: When an initial claim is made, surely the employer then comments on the issue, his description of the incident.

Mr. Mandlowitz: Yes, on occasion.

Mrs. Grier: You talked to us about the letter that could be added in that particular form.

Mr. Mandlowitz: Right.

Mrs. Grier: Is that not the employer's chance to say what his or her opinion is?

Mr. Mandlowitz: Yes. What I am saying is that employers today are receiving form letters from the board indicating that a claim has been established and approved because it has been reported by a third party other than an employee. The letters state: "Now we need your information." That is quite different from what had historically been the case where the board had the information before it approved the entitlement initially.

The Vice-Chairman: If the claim is accepted, then surely the employer is in trouble for not having filed a form 7.

Mr. Mandlowitz: Employers are not always aware of it. Can I give you an example? Say, I am on a shift that ends at 4 o'clock and I experience some pain at ten minutes to four. I work the 10 minutes.

The Vice-Chairman: Then you feel bad on Saturday.

Mr. Mandlowitz: On Saturday, I go to the doctor. I am in the emergency ward. ~~I do not report it on Monday morning. The doctor may have already initiated the process. I may learn about it Tuesday. That kind of~~

R-1630 follows

(Mr. Mandlowitz)

I am in the emergency ward. I do not report in on Monday morning. The doctor may have already initiated the process. I may learn about it on Tuesday. That kind of process.

1630

Mrs. Grier: Is a claim ever approved that fast?

Mr. Mandlowitz: Sure.

Mrs. Grier: In your indication about expanded service, hours of service, and a toll free telephone service, are you suggesting that it be merely for your clients or that that be broadened for all clients?

Mr. Mandlowitz: I am asking for it for my clients, but the board has two client groups. I would suspect if the board is going to have a toll-free line to extend service, it would be open to their client groups.

Mrs. Grier: So MPPs could phone on ??them for information.

On page 26, where you talk about subsection 77(1), I just wondered on this whole question of more information, you suggest that if it were abused, an employer would continue to be in violation of the act as per the current subsection 77(8). What, in fact, every happens? Are there ever any penalties against employers for violation of that section? Is it a meaningful penalty or deterrent?

Mr. Mandlowitz: I will turn it over to Mr. Revington for comment.

Mr. Revington: To my knowledge, no employer has been charged under subsection 77(8) yet. In fact, my understanding is that the Workers' Compensation Board is of the opinion that medical information can be released by an employer to an approved doctor.

Mrs. Grier: I am sorry. Medical information can be released by an employer?

Mr. Revington: By an employer to an employer's doctor for review of that information. Other than that, employers, to my knowledge, have been very strict about how they release information, beyond obtaining an immediate medical opinion to assist them in understanding the way the board has paid an appeal if it has paid a claim.

In fact, there have been cases of the Workers' Compensation Appeals Tribunal trying to define just what the ramifications are of ??subsection 77(7) and subsection 77(8). Where it has been left is that, I suppose, some day an employer may be charged for disclosing this information and then can come before the provincial court to determine what are the parameters in which an employer can deal with the information that they get from the board.

Mr. Miller: Perhaps 94 per cent are claims that are dealt with directly with no problem. About 6 per cent are the ones that are really ??dealt on behalf of the employer. ??Sixty seven per cent of your work load is then in that area. What percentage is not found to be legitimately injured

while on the job? As members of the Legislature we get those cases, and they cannot prove when the accident happened, was it at home? Was it after the fact? Was it reported properly? Then they are out on a limb. Do you have any figures on the ones that are not accepted under the plan.

Mr. Mandlowitz: Not legitimate—is that the question?

Mr. Miller: Yes.

Mr. Mandlowitz: I have not seen any date on that. It is very difficult to define what is—

The Vice-Chairman: I think, to be fair, we can get this kind of information from the Workers' Compensation Board.

Mr. Mandlowitz: There will be employer groups before you. It might be a good question to ask them, as well, just to compare it with what the board might give you. I would suspect, when you cut through all the hype, that it might be in the order of 5 per cent. I think that the reason the "abuse factor" gets attention is because it violates some of the fundamental principles that both stakeholders bring to support workers' compensation. So the individual case gets a lot more attention.

I suspect that, generally speaking, we see quite a different clientele than the average member does. When an employer comes to us, he or she is concerned about a questionable claim. I have always suspected that who you tend to see are primarily the workers who have been undercompensated. Those who do not understand how to use the system may feel they are being used by the system, that there is a delay, and so on. Those are not the workers—

R-1635 follows



(Mr. Mandlowitz)

~~... workers who had been undercompensated. Those who do not understand how~~
~~use the system may feel they are being misled. They think that there is a~~
~~delay and so on and these are not the workers that our clients are concerned~~
about. Those are the legitimate cases. It is the abuse case that really drives
the employer crazy and I often wondered if we are seeing the same or talking
about the same—

Mr. Miller: I am talking about the same thing because we listen to
the employer also and there is the odd occasion that the employer will take up
or challenge the—go back where the injury took place.

Mr. Mandlowitz: There is no question that it is very very difficult
to prove fraud, to prove serious and willful misconduct given the board's
rules. We are seeing more and more employers, out of frustration, being driven
to use private investigators and it is—

Mr. Miller: No, it is—no—I just want—

Mr. Mandlowitz: So, I think that group is the group you are talking
about too.

Mr. Miller: Well, what really concerns me is the fact when they get
in a position, they do not have any income whether they were injured at home
or while out playing ball, playing hockey—but they cannot get the—there was
no benefits and the only alternatives they have is to ??ask assistance at the
welfare and it seems—and the employer is concerned about the cost of his
operation and it is a matter to get that down. I do not know if you are in a
position to make any recommendations on how we might deal with that, but you
are representing the employer and we represent—as the members—represent the
general public. I hate to see anybody go to welfare because I think it is very
demeaning that they have to do that.

The Vice-Chairman: May I suggest, Mr. Miller, that we might let the
representative from the Employer's Council come before us now since we seem to
be running out of time?

Mr. Manlowitz: Could I make one final point, Mr. Chairman?

The Vice-Chairman: Yes.

Mr. Manlowitz: I really want to go back to the—and not to just
??pass or—the recommendation regarding reorganization of review services at
the board, the recommendation 5, where we suggest to you that we think
decision review specialists are redundant. I would like to just underpin that
with a comment because I think the board agrees and if they agree, then I
think we might be able to assist them here.

Let me read from a document entitled, "Report to the Board of Directors
on the Implementation of the Interim Chronic Pain Disorder Policy." It is a
board report. As far as I am concerned it is public. If I have it, it must be.
The final paragraph on page 4 under the heading, "WCAT files pending
adjudication under CPD policy." It says the following:

"The board has established internal procedures to ensure that these

cases will be dealt with as expeditiously as possible. In order to shorten the board's process, it has been decided that none of the claims returned from WCAT will go through the decision review stage upon objection, and CPD pension cases will go directly from claims to the hearings officer and if required, then back to the tribunal."

So, this document is saying essentially what we said and you could probably ?? it is going to happen. I really believe that as we spend more and more time and maybe talk to rehab later—more and more time trying to grapple with the intricacies of the system that we need to make it more simple and if we can reduce levels of appeal and we can take employers through nine levels of appeal—we would have done, I think, both claiming groups a disservice.

Mr. Miller: That is very time consuming.

The Vice-Chairman: Yes. I think Mr. Miller had one other question.

Mr. Miller: It is in regards to—

The Vice-Chairman: I would just like to ask if we can have that document.

Mr. Manlowitz: Sure. I would be glad to give it to you.

Mr. Miller: Here is the other one here that concerns employers—in fact, the assessment. The legal assessment to hire—another reason for using your services is that it is to protect the increase in assessment to the employer. Right? Have you been successful in employing that together to protect the ??right assessments?

Mr. Manlowitz: Well, the only way you can reduce assessment rights is to convince the board, artificially to keep them low, which is in no one's best interests or to prevent accidents in the first instance so that the amount paid out is reduced and we do not do accident prevention or ...

1640 follows:



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(Mr. Mandlowitz)

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~~to convince the board artificially to keep them low, which is no one's best interest, to prevent accidents in the first instance so that the amount paid out is reduced and we do not do accident prevention or, third, to successfully overturn inappropriate claims, which we do.~~

1640

Since we have been in business, we will probably have saved employers in the neighbourhood of \$25 million in direct savings. That is, I think, a substantial saving, but in a system that is paying out \$1.3 billion in benefits per year, you can see that we need to be doing substantially better than that and employers generally have to be overturning a huge number of claims if they are going to offset the increase in assessment rates. I do not think that is the operative end of it. The operative end of it is obviously preventing the accident from occurring in the first instance and reducing the cost of the system by getting the person back to work when they are able to return to a suitable and available job.

What we have been successful in doing is convincing the board to reclassify employers on a case-by-case basis, so that they are in the properly assessed rate group.

The Vice-Chairman: OK. Perhaps we could have the other gentleman come before us. I think it might be useful, Mr. Mandleowitz, if you would stay at the table and then there might be some questions that both—

Mr. Mandlowitz: Sure. I will move off and come back then.

The Vice-Chairman: Perhaps if you could identify yourself, sir, for the Hansard record and then ??after a few short comments. We really do not have very much time.

Mr. Thrasher: I will keep my remarks very brief. I will take ??after Jason and we will just hit the high points.

EMPLOYERS ADVOCACY COUNCIL

Mr. Thrasher: My name is Rick Thrasher. I represent the Employers Advocacy Council. I am on the executive of the council and I represent the Windsor chapter.

Very briefly, I would like to express our appreciation for being given this opportunity on such very short notice. We appreciate the opportunity of being able to make our comments known today.

Very, very briefly, I would like to explain who the Employers Advocacy Council is in case there are some members here who are not aware of us and what our goal is. We want to emphasize that we are not a radical group advocating the destruction of the Workers' Compensation Board, but rather we believe legitimately injured employers deserve to be fairly compensated. We do, however, advocate that the system must be fair to everyone, both injured workers and to employers who are required to pay the bills.

The council now has chapters in London, Kitchener-Waterloo, Windsor, Chatham, Hamilton and Peterborough and there is development under way for

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chapters in the Toronto area and in northern and eastern Ontario. There are currently some 500 employers who are actively supporting the council. These employers are of all sizes, large and small, in both the manufacturing and the service industry. In fact, it is a grass roots, practitioner-driven council.

The primary goal of the council is to establish a credible, collective voice for employers to call for the constructive change to the workers' compensation system. To achieve this, the council is attempting to educate its members, both in the workers' compensation legislation and policy and to provide vehicles for members to articulate their concerns to the provincial legislation, as we are doing today.

To begin my presentation then, I would like first to make some comments about our friends, the office of the employer adviser. We wish to express our appreciation for its support and efforts expended on behalf of employers, and I say that despite the limited resources of its office. We understand that by absolute volume of clientele, the office of the employer adviser will never be as large as that of the employee adviser. However, more and more employers are requiring assistance and this number will continue to grow to the extensive changes to the policy and legislation that deal with the compensation board. We understand that more changes are anticipated shortly.

One example of this is the current practice of the Workers' Compensation Appeals Tribunal. It is now mandatory for an employer to have representation in a system that was intended to be informal. Many smaller employers simply do not have the resources required to adequately represent themselves. Hence, there will be additional involvement for the office of the employer adviser. We believe that in this regard five regional offices simply are not adequate and employers are being shortchanged. With all due respect to the Toronto adviser, who is trying to represent the various regions, it is just not as effective as having someone there locally. I can speak from personal experience coming from the Windsor area, but the advisers there have been very active with employers and being very active initiating training seminars for employers. Those are the kinds of things that you just cannot get a handle on from Toronto.

~~The Employer Advisory Council would be the first to support the expansion—~~

R-1645 follows

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(Mr. Thrasher)

The Employers Advocacy Council would be the first to support the expansion of the budget of the office of the employer adviser, thereby providing additional advisers and regional representation. This is one area in which employers believe that our dollars are being well spent. I say that unsolicited by Jason and his staff. We say that honestly and sincerely from the heart.

I would like to turn very briefly to the Workers' Compensation Board. Of major concern to employers in this province is the unfunded liability. While we wholeheartedly endorse many of the positions and points that Jason made in their report, I would like to highlight just several of the key ones in the time constraints that we have so that we can try to get a little bit more of a flavour of what employers are actually talking about.

The 1986 report shows now a \$6.2-billion budget, which is an astronomical figure, and we believe it is a significant mortgage on the future of Ontario businesses. This fund obviously astronomical assessment increases, thereby making Ontario business uncompetitive, which is especially alarming in light of the current free trade discussions where competitiveness will be our future.

The growing unfunded liability we believe is a symptom of numerous problems with the workers' compensation system that requires particular attention. One that we would like to identify is the expanding scope of benefits. Over the years, the Workers' Compensation Board has expanded the scope of benefits so that there are now more types of injuries, illnesses and conditions covered than ever before. Benefits have been indexed to inflation and an appeal mechanism is in place to provide a review of the decisions.

As I said earlier, the employers are not against people being fairly compensated for legitimate work-related injuries, but what has been lost in 1986 is a clear definition of a work-place injury with benefits tied clearly to accidents on the job. A major imbalance has been created where employers are being held absolutely liable through legislative interpretation for the cost of events, which are clearly beyond their control. We believe that this situation is a pure violation of the intent and the integrity of the foundation upon which the compensation system was established. It upsets the concept that a worker's disability must have some causal relationship to the employment activity in order to be compensable. Without this then, workers' compensation has become a social safety net for all types of illnesses and injuries, but paid for only by employers.

Another point that we would like to get onto is claim duration, and Jason mentioned that in his presentation. This also contributes to the claim cost and is a major concern of employers to the continued growth of the claim duration. With increased duration in 1986 when compared to that of 1985, it was relatively minor. The overall trend from 1980 was very alarming. If we base it upon 203,000 allowed claims, which were reported in the 1986 report, this added duration would add some 2.5 million days of benefits when compared to the durations in effect in 1980. We believe that the Workers' Compensation Board must take control of claim management. Again, as Jason pointed out, far too often the WCB has allowed the family doctor to become the claim adjudicator. We believe that this role really belongs to an independent third party, such as the Workers' Compensation Board.

Mr. Thrasher

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A third point I would like to touch upon is the WCAT, which we alluded to earlier. We believe that the WCAT is reshaping the interpretation of the Workers' Compensation Act. Employers do not believe that the WCAT has a legislated mandate to change board policy, but should only rule on whether or not the WCB has erred in rendering its decision. WCAT does not take fiscal responsibility for its decisions. This has been publicly stated and is elaborated on in the consulting actuary statement on page 22 of the report where it is stated that, ?? "Certain decisions rendered by WCAT may have the effect of altering the adjudication of workers' compensation claims." Such changes in adjudication of claims would result in a significant increase in the present value of future payments on account of accidents which occurred in past years. This then leaves the WCB in the unenviable position of having to pay substantially more for unanticipated past claim costs on a fixed assessment basis. Employers believe that the government must act very quickly to resolve the political power struggle that is becoming more and more evident between the board and WCAT.

R-1650 follows



(Mr. Thrasher)

~~fixed assessment basis. Importers believe that the government must act very quickly to resolve the political power struggle that is becoming more and more evident between the board and WCAT.~~

1650

In conclusion, while there are other significant issues that remain open and unaddressed, at this time I feel it would be inappropriate to exceed our time limitations. You have been very kind to have listened to us at this point. However, to summarize, the Minister of Labour has recently promised changes to workers' compensation system, making it a more equitable system for all parties. While the Employers Advocacy Council certainly would support such an initiative, we are extremely concerned with increased costs that any such changes could generate, particularly since the system currently cannot support the costs required.

It would appear from the annual report that the costs generated were less than the assessment base. Any changes must be carefully thought out and the cost impact fully evaluated before they are implemented.

Again, we sincerely appreciate this opportunity to express our viewpoints on such short notice and we would certainly welcome the opportunity to address the standing committee at future sessions in more detail and a little more preparedness so that we could give members a copy of our presentation when we make it.

The Vice-Chairman: Thank you, Mr. Thrasher. You could make your copy available to the clerk. He could make copies and distribute them to the members of the committee.

I think what I will do is we will set five o'clock as a deadline and we can have a couple of questions and then we will be able to go to the rehab people to be fair to Mr. Thrasher and to ensure that we have time to deal with our questions on voc and medical rehab.

Mr. McGuigan: In the interests of time rather than ask you for some specific examples of the policies to which you refer, I wonder if you could forward to us two or three examples of these, perhaps taken from your case files.

Mr. Thrasher: On each one of those points?

Mr. McGuigan: Yes.

Mr. Thrasher: Certainly.

Mr. McGuigan: I think that would be satisfactory.

The Vice-Chairman: If I might ask one question, Mr. Thrasher. Do you think it should be incumbent upon employers to inform employees if in fact they are eligible for compensation in the job they are doing?

Mr. Thrasher: I am sorry, I do not understand your question. If we should advise them when they become injured they are entitled to workers' compensation?

The Vice-Chairman: No, when they are employed, at the moment of employment. In other words, if they were to become injured they would be eligible or would not be eligible, depending on the case.

Mr. Thrasher: Personally I believe that they should be. I do not think that we have a problem in that regard. Again, I come from a fairly large company represented by the CAW, so they are very knowledgeable.

The Vice-Chairman: I am talking about small business, usually unorganized, where workers sometimes find they are not eligible for damages.

Mr. Thrasher: As an employer I would have to say yes. We believe strongly an employee is entitled to what fairly comes from his disability. If that means that he should be advised that he is entitled to something, a benefit from the compensation board, then he should be advised.

The Vice-Chairman: Would you agree that in the large organized plants there tends to be fewer problems with compensation or more?


Mr. Thrasher: Speaking from personal opinion, from my personal experience, I would tend to think there are probably as many or more. But probably of a different kind. For example, in our shop, and I am only speaking very closed now. Our union takes a very strong position and will immediately appeal any negative decision to an employee. The rationale is they know that somewhere through the system a significant percentage of those decisions will be either overturned or overturned in part. Rather than looking at the merits of the claim, they automatically appeal it and leave the decision to the board.

The Vice-Chairman: I am sure they would describe it in a different manner.

Mr. Thrasher: I am sure they would, yes.

The Vice-Chairman: Just one other question. I think perhaps Mr. Mandlowitz would be the best one to answer this question. He mentioned in his presentation about employers with various types of services being treated in a similar way in terms of assessment. This has been a real problem in northern Ontario in the logging industry where you will have someone who perhaps is employed as a contractor for a logging company or a forestry company to build a road. Basically he is driving a gravel truck, but he is not assessed as if he were driving a gravel truck, he is assessed as if he were driving a logging truck.

R-1655-1 follows



~~(The Vice-Chairman)~~

~~where you will have someone who perhaps is employed as a contractor for a logging company or a forestry company to build a road, so basically he is driving a gravel truck, but he is not assessed as if he were driving a gravel truck, he is assessed as if he were driving a logging truck.~~

Mr. Mandlowitz: I think that is a really good point. In fact, I hope that kind of representation is made to the task force looking into assessments and classification in the logging industry. That is the Pilkey-Biddell group. I think that is a very important representation.

The Vice-Chairman: This can really hurt a small businessman if he suddenly finds he has been paying a lower assessment than the board deems him to be required to pay.

Mr. Mandlowitz: When is a logger a logger? When is a logger a trucker?

The Vice-Chairman: They are paying their assessment on the basis of bush injuries, like chain saws and trees falling on people, even though they may not have anything to do with trees or chain saws.

Mr. Leone: Mr. Chairman, I would like to know and I can ask this gentleman here, is this council an independent body or is it financed by the government or by employers?

Mr. Thrasher: It is strictly independent. It is funded by employer membership. Employers who have indicated that they wish to endorse and support the council, have been asked to support and provide membership fees based upon a fee schedule. That is how they are funded. It is purely by employers.

Mr. Leone: You are not part of any other big organization?

Mr. Thrasher: No, sir.

Mr. McGuigan: Just a comment based on the chairman's question. Reaching back in my own memory as an employer, I think every employer is required to post a notification and it is supplied by the board, that there is a system of workers' compensation and what to do in the event of accidents. It may be that some employers do not do that.

The Vice-Chairman: I do not want to get into that. I have three different cases where three different workers when they were hurt who suddenly found out that they were not eligible for compensation for different reasons, but they did not know this prior to becoming hurt.

Mr. McGuigan: I think that is required and probably an oversight on somebody's part.

The Vice-Chairman: Any other questions? Again, I want to thank you both. I think you probably would agree with the committee and we have been looking at other things besides compensation and I think most members of the committee would argue and I am sure you would agree, that the way to cut down on compensation assessments and a number of claims that are approved and the benefits that are paid out is to cut the accidents. Thank you. Sorry, Mr. Leone.

Mr. Leone: Mr. Chairman, I just want to express some opinions. When we receive these kind of presentations like the employer advisers, it becomes very difficult to ask questions because there is so much material here that unless you are an expert on these matters, it becomes very difficult.

The Vice-Chairman: I think that is fair. I do not think we should be too critical of Mr. Mandlowitz for being comprehensive, but sometimes a briefer brief can produce more questions.

Mr. Leon: Yes, we should have it in advance.

The Vice-Chairman: Or we could get it in advance, yes. Again, I want to thank you both for appearing before us.

Ms. Collins: Mr. Chairman, just before we go on to the next group. It was mentioned that there is a 1985 report of the standing committee on resources development. Has that been handed out yet to members of the committee?

The Vice-Chairman: The man who can answer that question is right there. Todd, there is a question. Do we have available the 1985 report of the committee? Yes we do.


Ms. Collins: Thank you, Mr. Chairman.

The Vice-Chairman: All right, if we could now have Mr. Czetyrbok and Ms. Kaegi. Actually when I looked at your names I thought I was going to have more trouble with Mr. Czetyrbok. ~~The committee wants to thank you for coming before us today and thank you also for your patience in allowing us to extend time to the workers.~~

R-1700-1 follows



1700



The Vice-Chairman

The committee wants to thank you for coming before us today. Thank you also for your patience in allowing us to extend time to the Employers Advocacy Council, which had asked for permission to make a brief presentation prior to your presentation.

Do you have a presentation you wish to make to us, or do you just wish us to proceed with questions?

Mr. Czetyrbok: We are expecting to respond to questions. I am the vice-president of client services, which has responsibility for the vocational rehabilitation programs within the integrated service units, as well as throughout the regional offices. This is where all the former vocational rehab functions that were a part of the rehab divisions are now incorporated, and it is part of the new approach to integrated service that has caused this change.

Dr. Kaegi will speak for herself.

Dr. Kaegi: I am vice-president of policy and specialized services and, as such, have responsibility for the development of policies that affect the delivery of both medical and vocational rehabilitation programs within the board. In addition I have within my division the specialized vocational rehabilitation department, which is responsible for providing some technical backup to the vocational rehabilitation staff in client services, as well as providing direct services to those severely disabled, injured workers.

The Vice-Chairman: Perhaps, as a starting point, it might be useful if you could elaborate a little bit on Dr. Elgie's presentation to us. I think he mentioned that you had served in rehab something like a little over 5,000 cases last year. If you could perhaps tell us how much, give us some idea of your staff, the kind of roles that you carry out and the number of clients you have been able to assist.

Mr. Czetyrbok: Certainly. We have around 180 vocational rehab counsellors situated throughout the province to provide services to our injured workers. In 1987 there were 9,900 odd new referrals to vocational rehabilitation which, when compared against 1986, this was a 15 per cent increase, relative to 8,600 odd.

The total number of workers rehabilitated did improve in 1987. It was roughly 3.5 per cent; 6,100 versus 5,945. In relative terms this represents a large improvement but certainly one that we hope we can do much better in when we introduce the new vocational rehab strategy.

The board, as you are all aware, does involve itself in various assessments and training programs, and again here we saw major improvements in 1987 over 1986 in terms of assessments in various industrial settings and controlled environments. We performed 5,166 odd such assessments versus 4,789 in 1986, so approximately eight per cent change.

As far as training programs, such as training on the job, technical, academic upgrading, English as a second language, business clerical and post-secondary training programs, in 1987 we realized a 10.8 per cent improvement in that category. That was 3,455 versus 3,118 in 1986. Those are the general numbers and represent an improvement. We are concerned about the


time that it takes for a referral to vocational rehabilitation, which in 1987 was approximately 17 months on the average, certainly not an enviable performance but it is an improvement over prior years when we were looking at roughly 19 months. The new vocational rehab strategy we believe will significantly reduce that time frame.

Another key point is duration of service, once there was a referral. Some of the referrals are immediate, within days, within weeks, given the nature of injury, but the duration of service again improved. We were looking at 11.2 months on the average for an injured worker that was with voc-rehab, and that is comparable to the 1986 period.

The Vice-Chairman: I would think that the more difficult ones to deal with are people who have more serious disabilities. Dr. Kaegi, do you deal with those kinds?

Dr. Kaegi: Yes. The specialized vocational rehabilitation group deals with relatively small numbers of very seriously disabled people and, in fact, folk for whom . . .

1705-1 follows



~~(Mr. Vice-Chairman):~~

~~...Dr. Kaegi, do you deal with these kinds of~~

Dr. Kaegi: Yes, the specialized vocational rehabilitation group deals with relatively small numbers of very seriously disabled people and, in fact, their return to work is very unlikely. I am talking here about people who have been made quadriplegic or severely paraplegic as a result of an injury.

In specialized vocational rehabilitation, one of the goals there is to try to enhance the quality of life, aside from employability, for those people. The success rate in that group is very much lower. In fact, you would be counting on the fingers of one hand the cases that are successfully returned to employment. For us, in that group, success is deemed to be an improved quality of life on the part of the individuals who are suffering that disability.

The Vice-Chairman: Thank you. Mr. McGuigan.

Mr. McGuigan: I wonder if you could sort of walk us through what happens to a theoretical truck driver who is making \$800 a week. He gets involved in an accident. Perhaps he falls off the back of the truck and injures his back or in some way he becomes disabled so that he cannot drive his truck anymore. He is deemed to be, say, 20 per cent or 30 per cent disabled, which means that he is expected to go to work at something else. He comes back to the trucking company and they have not got any light-duty jobs. The fellow is 45 years old, probably has only a grade eight education, grade 10 at the most, and he has been away from education a long time. What happens to those people?

Mr. Czetyrbok: Once there is a referral to vocational rehab and, in the circumstance that you have described, we will undertake aptitude and interest testing in order to identify what other forms of employment the injured worker may be suitable for. Working with that injured worker, we will attempt to define and outline a program that will seek to restore that individual to comparable earnings capacity.

It is not possible at all times. It depends on such things as geography, the economic conditions in the area and the mobility of the individual. There are a host of factors. But we would try to tailor that to the individual. The VR strategy that we have outlined is going to try to be much more goal-oriented in terms of setting specific goals and that is where I think we will be able to realize greater success in placing injured workers. But that is generally the process.

Mr. McGuigan: Supposing he is reasonably successful in training and he gets a job at \$400 a month, instead of \$800.

Mr. Czetyrbok: The permanent disability is provided to compensate for that impairment and that loss of earnings. During the period of retraining and some on-site job experience, we would supplement that income for a period of time, up to full compensation level.

Mr. McGuigan: But for how long, because he is this way for life?

Mr. Czetyrbok: I am not totally familiar with our policy under

Mr Czetyrbok

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subsection 45(5) right now. I would have to get some details. Perhaps Dr. Kaegi can respond.

Dr. Kaegi: I might help you with that. I think one of the deficiencies, if you will, in our current legislation is that an individual of the sort whom you have described will experience the wage loss, even after they have returned to work. You identified an individual with a 20 per cent pension, so he would be getting 20 per cent of his former income, 90 per cent of his former income, up to the ceiling. But if he returns to a job that is paying half of what he was earning before in that situation, there is no doubt there would be some wage loss.

Under our policy for vocational rehabilitation, such an individual, as Mike has said, would receive full compensation during the period of retraining. We allow for a period of adjustment. Our policy does not fix precise time guidelines, but it is in the order of six months for the period of adjustment, once the individual has returned to a new job.

Mr. McGuigan: Sort of looking at the matter of fairness, if we did not have a Workers' Compensation . . .

R-1710-1 follows



~~(Mr. Kaegi)~~

~~once the individual has returned to a new job,~~

1710

Mr. McGuigan: Looking at a notion of fairness, if we did not have a Workers' Compensation Act, if something was at fault in his job that caused this accident, you would think a court would award him his former salary for the rest of his life.

Dr. Kaegi: I guess we have to work within the confines of the act. For each case that you identify, where an individual is undercompensated by the existing system, there are also many cases where they receive their pension and are able to return to a job at the same level of earning capacity as they had previous to the accident. I guess those are the pros and cons of our existing pension system based on clinical impairment ratings.

Mr. McGuigan: I suppose it is possible, on the other side of the story, for someone to actually have a total income greater than they had before.

Dr. Kaegi: That is true.

Mr. McGuigan: They would be rather rare and minority cases, but it could happen.

Dr. Kaegi: It does happen.

Mr. Czetyrbok: The three phases of our new vocational rehabilitation strategy do state that we will try to return an injured worker to the pre-injury job with the accident employer, followed by a comparable job with the accident employer and with another employer in a comparable position. That is the focus, to get an injured worker back to a comparable job with the accident employer. That is our focus and the first phase of any vocational rehabilitation effort.

Mr. Brown: Just on that topic, I had a conversation with an employer on Thursday where a severely injured worker went through rehab. He was a miner of some sort and he then went on to learn some type of computer programming or whatever; that sort of job. After coming back to work, the company paid him to take more courses and all that sort of thing. It turns out after he was finished, he is now making more money. His salary is greater now than it was or would have been if he had pursued the same job, yet the Workers' Compensation Board is paying this gentleman \$1,700 a month on top.

The Vice-Chairman: Is that a pension?

Mr. Brown: Yes. The point the employer was making is, "What incentive is there for us to do this sort of thing if we do not see any return?" I can kind of see his point, because the worker actually never did lose any compensation during the period.

Dr. Kaegi: I think the case you have raised is the obverse of the case Mr. McGuigan made. There are cases within the system where, because of the way permanent pensions are defined based on a clinical impairment rating, some people do achieve a very high pension rating but in fact have no loss of

Dr. Kaegi

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earning capacity. That is the other side of the coin.

Mr. Leone: The two speakers, I understand you are vice-president of the board, and I think you are the ??staff officer of the board?

Dr. Kaegi: Correct.

Mr. Leone: In these two capacities here.

I read this article today in the Toronto Star and ?? everything we are doing here to better our services in every field, like rehabilitation. Still, we have these cases that we cannot understand, like this lady here, where the doctor and the physiotherapist wanted her to get some therapy, and it was dropped by the board. This lady was in the paper.

This is not the first case. Every day in my constituency, I have workers who complain of decisions made by the board, which are sometimes against the wishes of the doctors. Just like the rehabilitation of programs, I have cases where workers are sent to rehabilitation projects . . .

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(Mr. Leone)

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~~Just like the rehabilitation of programs, I have cases where workers have been sent to rehabilitation projects when they are 61 or 62 years of age, and there are sometimes cases of workers who are 35 or 40 where we fail to do this.~~

Down at the board, what are the directions, the policies, to avoid these kinds of discrepancies?

Mr. Czetyrbok: On the vocational rehabilitation issue, one of the highlights of the new vocational rehabilitation strategy is that the vocational rehabilitation programs we will be developing will be in partnership with the injured worker. We will develop a plan that an injured worker is agreeable to. It is a plan that we will work out with the employer and also in consultation with the injured worker's physician.

So in those instances where injured workers find that they are being directed, they will be more self-directed. Injured workers will have to take a strong part in their own vocational rehabilitation. They will have to agree to the plan. We hope that will eliminate the kind of situation you have described, Mr. Leone.

Mrs. Grier: In that process you have just described of joint planning for the injured worker, who has primary say? If the worker is adamant that he does not like the scheme that is being proposed, what happens?

Dr. Kaegi: The board's vocational rehabilitation case worker has the responsibility for co-ordinating the development of that plan. We expect that our staff will be given some special skills in negotiating, because that is what is going to be required in the development of a plan. But it will be their task to achieve consensus in the development of the plan.

Where the worker feels he is not able to carry out a particular plan, I am sure you are aware that such a worker is not going to participate very freely in such a plan. So it is going to be really important that they achieve consensus, and where there is a disagreement, the case worker works to resolve that, to understand it and to achieve consensus.

Mrs. Grier: You mentioned in your earlier description of the criteria to be followed employment availability or conditions of employment. I am wondering how much a role that plays and how sensitive you in fact can be to whether or not there is going to be a job for the person at the end of the rehabilitation and what role you play in subsequent placement.

Dr. Kaegi: The case worker has available to him a number of specialists, some of whom are located within the specialized vocational rehabilitation department. They constantly keep a watch on employment trends in different areas of the province, so they are aware of where likely vacancies are. When the case worker is developing a plan, he has access to that data and he can sit down with the accident employer, the worker and various other parties involved to try to develop a plan which takes into consideration the actual availability of employment in the area where the worker wishes to locate. So it will be a factor that is taken into consideration.

Mrs. Grier: Do you provide placement assistance at the end of this process for the worker?

Dr. Kaegi: There is placement assistance, yes.

Mr. Czetyrbok: We will also take advantage of various employment campaigns that we conduct throughout the province yearly, as the chairman referred to in his opening remarks, trying to seek and identify positions, jobs, in the community throughout the province. We have a job bank, so to speak, so that we can identify opportunities for workers in a particular locality.

Mr. Miller: What happens to the worker who is ?? replaced and somebody else will not hire him because he is on compensation? They do not want to take the risk. We have had quite a few cases come to us like that. They cannot find even a part-time job.

Mr. Czetyrbok: Under the Human Rights ??Code, it is illegal to refuse someone a job. It may be that individuals need to exercise their rights under the legislation when they encounter a situation such as that.


Mr. Miller: Is that the only answer? You do not encourage them to—

Mr. Czetyrbok: To decline?

Mr. Miller: Maybe pick up part of the wage?

Mr. Czetyrbok: We certainly have incentives for employers. I was referring to your specific example. Yes, we do offer various incentives to encourage ...

R-1720 follows



1720

Mr. Czetrybok: ~~We certainly have incentives for employers. I was referring to a specific example, but yes, we do offer various incentives to employers to hire injured workers. That is an ongoing program and we are reviewing those incentives currently.~~

The Vice-Chairman: Surely, if an individual is shown not to be able to do the work and the employer says there is no light duty, he cannot be taken to the Human Rights Commission.

Mr. Czetrybok: Not under that circumstance. I was referring to a situation where an injured worker does apply for a position but is refused employment because he or she is an injured worker. That is the situation I was referring to.

The Vice-Chairman: He is an injured worker but able to the work.

Mr. Czetrybok: But able to do the work, yes. That is the essential qualifier.

Dr. Kaegi: The committee may like to know also that the board did proactively send out letters to all employers in the province advising them of their responsibilities under the Human Rights Code and the illegality of refusing employment to a suitably qualified individual just because of previous compensation experience.

Mr. Miller: I think I have covered that. Co-operation between employer and employees is perhaps better than going to the courts. I would rather see the individual have jobs rather than trying to protect his right in the courts. It is a lot better as a last alternative, I would believe.

Mr. McGuigan: I do not know whether you would want to answer this type of question but the proposition is put forward to us sometimes, as legislators, that we should legislate the responsibility or the requirement that a company rehire people. It is their job to find a place for them or simply carry those people on their payroll until they are retirement age.

Do you see companies that do carry out policies such as that on a voluntary basis?

Mr. Czetrybok: I believe there are. I cannot recall any at this moment, but many companies are obligated under their respective collective agreements to reinstate injured workers and that is negotiated, so that experience is I would hesitate to use the word common but it is in force through many collective agreements.

Mr. McGuigan: Would there be any in say the automotive ??stuff we are reading, you know where that might be?

Dr. Kaegi: I do not know whether it is on account of it being in collective agreements but there are a number of large companies, including some of those in the automotive sector, who try very hard to accommodate an injured worker back in their workforce.

I think another feature of our new approach to vocational rehabilitation

Dr. Kaegi

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is by so assigning the charges associated with vocational rehabilitation it will make it very attractive to employers to find some way of accommodating a disabled worker in their own workforce.

Mr. McGuigan: What I was trying to get at, I was just wondering, is it a disaster for industry or is it a minor inconvenience for them if we legislated that people have a right to go back to their previous employment?

Mr. Czetrybok: I could not respond to that. I can only state that our goal is in every instance and we do realize great success when we return injured workers to the accident employer in some capacity.

Mr. McGuigan: You would really have a loyal employee.

Mr. Czetrybok: Yes. They as a consequence do not lose the skills and the experience that employee has developed and acquired with the company. That is the first phase of our own voc rehab strategy.

The Vice-Chairman: Any other members? Perhaps I could ask a couple of questions then.

You indicated that last year you had almost 10,000 cases referred.

Mr. Czetrybok: Yes.

The Vice-Chairman: And that you had been able to serve just over 6,000.

Mr. Czetrybok: Yes.

The Vice-Chairman: Could you expand on the reasons for the other 4,000 not being able to be served and what kinds of problems you face?

Mr. Czetrybok: There are a variety of reasons and they range from injured workers not prepared to leave the accident employer. They hope and are working with us to seek some sort of employment with their company. There is a category that there are some self-imposed restrictions and there are noncompensable health reasons. Some have returned to school.

R-1725-1 follows



(Mr. Czetyrbok)

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~~company. There is a category that there are some self-imposed restrictions and there are noncompensable health conditions. Some have returned to school to upgrade themselves. There are certain geographic conditions.~~

The Vice-Chairman: If a worker returns to school, what kind of assistance do you give him?

Mr. Czetyrbok: I believe this is when they return to school on their own initiative seeking some other endeavour or profession.

The Vice-Chairman: That is what I was referring to.

Mr. Czetyrbok: I do not have an answer to that in terms of specific assistance. Others have withdrawn their request for vocational rehabilitation services on their own initiatives and those comprise the categories to cover the balance of the numbers.

The Vice-Chairman: Are some of the reasons for withdrawing their application the length of time it takes; 17 months?

Mr. Czetyrbok: It could be. I have no information to suggest that is not a reason. It is not one of the ones that I am aware of.

The Vice-Chairman: You have mentioned the new rehab strategy. When do you anticipate that it will be in place?

Dr. Kaegi: We have a committee looking at the implementation features of such a strategy and we plan to have a report on the practicality and the implementation features of that strategy taken to our board of directors in July of this year.

The Vice-Chairman: What do you do in the case—it was raised before the committee when Dr. Elgie was appearing before the committee—of an individual who has lead blood levels at such a level that he cannot return to his place of employment and yet he is not deemed compensable by the board? What does that worker do and what is done for him? Where is he?

Mr. Czetyrbok: We first attempt to remove that injured worker from the exposure that has caused the disability.

The Vice-Chairman: In the example I am referring to, he has been removed. He cannot go back. He knows he cannot go back and yet he is not getting any benefits. He is not getting anything.

Mr. Czetyrbok: In most instances, we do provide benefits and we do provide vocational rehabilitation services.

The Vice-Chairman: I know but in this case, I have been talking about blood levels and at this point the board has not been able to establish how they can compensate.

Dr. Kaegi: If you are dealing with a particular case, ??Riienutsi case, that is a very complex case. But in a normal situation.

The Vice-Chairman: Mr. ??Riienutsi,

Dr. Kaegi: Yes. In the normal situation, when an individual's blood lead is at the level where it is deemed that he should be removed from exposure, compensation benefits are payable under temporary total benefits until the worker level declines and he is able to return to work in some capacity. In some instances, when a worker should be out of lead exposure because of the level of his blood lead, it is possible for the employer to find suitable work for the individual in an area of the plant where there is no exposure and we would generally look for that type of employment opportunity first. It is only if that type of employment opportunity is not available that the individual would be off on compensation.

The individual would remain off on compensation until such time as his blood lead levels have fallen to a level that allows him to return safely into the workplace. Permanent benefits would only become payable if there was a clinical impairment, a health effect, that followed from the elevated blood lead level and particularly for lead that would be wrist drop is one of the earliest features or some other neurological problem and if the person suffered a permanent disability on those grounds, then a pension would be payable but not simply on a blood lead level.


The Vice-Chairman: Yes, that is the problem. I do not want to be obtuse but in this particular case, if the individual's lead levels have returned to a level where he could in fact work but he can still not work in the lead environment, then he has sort of fallen between the cracks, has he not?

Dr. Kaegi: If he cannot work in his former job which is a lead environment and there is no other lead-free job available for him with his employer then he would still be covered under compensation.

Mr. Miller: Can he cross over to other jobs with other companies and do a totally different job and would the compensation board pick up the percentage of the wage?

Dr. Kaegi: That is sometimes necessary when we have an individual who has been exposed to very high levels for very many years. In that situation, the lead accumulates in the bones and it takes a very long time for the blood lead levels to decline to the levels we now regard as safe in the workplace. In that situation, we may look at vocational rehabilitation to train the worker for a job that is completely external to the lead exposure area. But that is a very unusual...

R-1730-1 follows



(Dr. Kaegi)

~~... In that situation, we may look at vocational rehabilitation to train the worker for a job that is completely external to the lead exposure area. It is a very unusual situation.~~

1730

The Vice-Chairman: Well, I would like to have some—I do not expect you to give it to us now, but it would be useful if you could give us some further information on that particular case because frankly I am confused by the situation.

I just have two other questions. In the resource industry in northern Ontario, you have a particular problem in rehab. I am talking about either underground mining or forestry because oftentimes you have workers who have very little formal education who are doing very heavy work and whose employers often, quite legitimately say they do not have light duty work. What do you anticipate or what are you doing to try and respond to the needs of those kinds of workers? I will use an extreme example to make it easy or difficult, whichever way you look at it. I am talking about a French-Canadian worker who does not speak English, he is 45 years old and he has grade 5. He broke his back with a tree falling on him and he cannot go back in the bush.

Mr. Czetyrbok: In those circumstances, we would do a complete assessment. We certainly would make every attempt to provide upgrading in the way of education and then provide, depending on the job possibilities, English as a second language, in order to make that individual more employable.

Those cases probably represent the most challenging ones faced by the board in the environment that you have described. It is one that we just have to refuse to give up and continue working. The duration of service may need to be longer in those instances. The planning will have to be extraordinarily better in order to provide those individuals with a job. It is going to take a lot of effort on our part, the injured worker's part, as well as the employer community in northern Ontario in those particular industries.

It is a challenging case and may represent some of our best success stories when we are successful.

Mr. McGuigan: I assessing the ??permanent man's degree of disability as 60 per cent, 50 per cent, 49 or ??, is any consideration taken out of the social aspect, or is it entirely 100 per cent a medical situation? When you are considering his—what I am coming to is there are probably times in a very extreme case like that, it would be far better to put the person on a 90 per cent or 100 per cent than you would to try and get a person to take on a second language at the age of 45 or 50. I could not remember it when I was 18. And have been wasting a lot of money, it seems to me, in extreme cases like this.

Dr. Kaegi: I think there are two types of assessments involved here. The sort of assessment that Mike was referring to is an assessment of a person's attitudes, interests, and a physical appraisal assessment to determine exactly what capacities he has, what tasks he can carry out successfully in the workplace. That is a different type of assessment than the type of assessment that is carried out for clinical impairment rating, which

is perhaps what you are referring to when you talk about the pension. So that I think it is important that you see the difference between those two.

The clinical impairment rating that is used for the pension is really done against your standard, we sometimes say a standard 30-year-old man. And you look at the individual's impairment of function in relation to that.

Where we are looking at their capacity, their functional capacity in relation to vocational rehabilitation, we are looking at them as they are with their training. So, you do take, in that situation, some of the social factors into account.

Mr. McGuigan: Clinically, though, you do not?

Dr. Kaegi: No, the clinical impairment rating is done on your standard.

The Vice-Chairman: So, that is where you get into the question of whether or not we should be compensating for wage loss as opposed to clinical injury?

Dr. Kaegi: Precisely.

The Vice-Chairman: What happens in that kind of a situation; if the guy indicates he is willing to take rehab, he is willing to try and learn English, but there just is no light duty available that he could be trained for in the community where he lives and owns his house and his family is—it is a French-Canadian community?

If you say, "Well, we might be able to find you a job in this larger urban centre if you're prepared to..."

R-1735 follows



(The Vice Chairman)

~~...and since his house and his family is, it is a French Canadian community. If you say, "Well, we might be able to find you a job in this language centre, if you are prepared to study English and learn English and get some kind of training; but it means you have to leave and go into a situation of buying a new home or renting and so on." And he says, "No, I do not want to do that," then is he cut off?~~

Mr. Czetyrbok: I should not expect so Mr. Wildman, in terms of what we can do. I cannot respond in specifics as far as what we, what sort of benefits or assistance we can provide under section 54, the vocational rehabilitation section. You pose an interesting scenario and if I may—

The Vice-Chairman: One that I am not unfamiliar with.

Mr. Czetyrbok: Yes, I am sure and I would like to pursue that in terms of what sorts of options and programs or approaches can we adopt and are we able to adopt.

The Vice-Chairman: Thank you. Any other—sorry go ahead.

Dr. Kaegi: The committee may like to know that our experience with English-as-second-language training has not been as successful as we would like it to be, so that very often in those situations now, we would try to work with the individual who has French but not English, to find employment in his own French Canadian community, because as I say, our experience with the language training has not been successful.

The Vice-Chairman: I would agree that that would be the most acceptable. The problem is, that in many of those communities, there isn't much light duty work available. Do you have any arrangements—I just thought of something else—Do you have any arrangements with the ??commission de travaille in Quebec?

Dr. Kaegi: We keep in quite close touch with the CSST, to determine how they are handling those types of problems. If you mean, do we have direct linkage with them in terms of provision of vocational rehabilitation services, we do not. Although, I am sure that our case workers that are working in the French parts of the province, if they are close to the areas that abut where Ontario abuts onto Quebec, do keep in touch with their counterparts ??

The Vice-Chairman: Any other questions? We appreciate you coming on such a hot afternoon, and providing us with some information. If there are any additional matters or other additions to answers that you have given that you would like to submit to the committee in writing, we would certainly entertain that. Again thank you both for coming to appear before the committee this afternoon.

Mr. Czetyrbok: Thank you Mr. Chairman.

The Vice-Chairman: Just before we break up, members of the committee, you have circulated to you the annual report of the Office of the Worker Advisor, May 1988. It is hot off the press and ??Mr. Lauriano you have a chance to read this as you go to sleep tonight and we will be having ??Mr. DeSanto and his colleagues appearing before us on Wednesday afternoon at which time we will be in the Amethyst Room—Room 151. OK.

The committee adjourned at 5:38 pm.

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Examination
Fabrication

R-25
(Printed as R-10)

STANDING COMMITTEE ON RESOURCES DEVELOPMENT
ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986
WEDNESDAY, JUNE 1, 1988
Draft Transcript



STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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VICE-CHAIRMAN: Wildman, Bud (Algoma NDP)

Brown, Michael A. (Algoma-Manitoulin L)

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Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Decker, Todd

Staff:

Madisso, Merike, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Labour:

Di Santo, Odoardo, Director, Office of the Worker Adviser

Tait, Rosemary, Manager, Toronto Office, Office of the Worker Adviser

Armstrong, Roy, Manager, West Toronto and Niagara, Office of the Worker Adviser

Halonen, Jorma, Worker Adviser, Thunder Bay, Office of the Worker Adviser

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday, June 1, 1988

The committee met at 3:39 p.m. in committee room 1.

ANNUAL REPORT, WORKERS' COMPENSATION BOARD, 1986
(continued)

Mr. Chairman: The Standing Committee on Resources Development will come to order. As some people will know, the resources development committee has referred to it every year, the annual report of the Workers' Compensation Board, and that is the matter with which we are dealing at the present time. Today we have before us the office of the worker adviser and Mr. Odoardo Di Santo, a person known well to many of us, is here representing the—he is the office of the worker advisor along with some of his colleagues.

So, Mr. Di Santo, if you would take a seat with whichever of your colleagues you wish, and introduce them. Welcome to the committee. I should just point out to the members, they have had distributed to them the ??book to the standing committee of the office of the worker adviser. That is the yellow—the buff coloured document and then a synopsis of those remarks handed out today. Mr. Di Santo?

OFFICE OF THE WORKER ADVISER

~~Mr. Di Santo: ...~~

1540 follows:



~~That is the buff coloured document, and then a synopsis of those remarks handed out today.~~

1540

Mr. DiSanto: With me today are Rosemary Tait and Roy Armstrong who are two of the four managers of the office of the worker adviser.

I am very pleased to present to you the second annual report of the office of the worker adviser to the standing committee on resource development.

During the past year, we have moved forward to develop and enhance important initiatives in all program areas. My statement this afternoon will highlight these initiatives in the areas of worker assistance and representation, measures being taken to reduce the waiting list, training and outreach, special projects, as well as work done on recommendations for improvements to policies and procedures within the workers' compensation system in Ontario.

However, before launching into the main substance of the report, I would like to, if I may, just touch briefly on the history of the office of the worker adviser and also bring you up to date on the status of our branch organization and staff complement.

The office of the worker adviser was established, as you know, by the Bill 101 amendments to the Workers' Compensation Act. Subsection 86(q) of the amended act, which came into force on October 1, 1985, provided for the creation of the office of the worker adviser. The legislation entrusts the office with a broad mandate: That is, to be available to any person who is or has been a claimant for benefits under the Workers' Compensation Act.

The mandate has four key objectives: (1) to advise injured workers of their rights under the Workers' Compensation Act so that they will be able to represent themselves at the operating levels of the Workers' Compensation Board; (2) to represent injured workers at all levels of the Workers' Compensation Board, at the appeals tribunal, and beyond the tribunal where applicable; (3) to work with labour and injured worker groups, MPPs, and other organizations representing injured workers, and support them in their representation work; and finally (4) to identify operational problems in workers' compensation that may require changes in practices or policies.

These objectives are an integral part of all OWA programs and are reflected in the day-to-day work of the office.

With respect to our branch organization and staff complement, it is interesting to note that in the fall of 1985 the office of the worker adviser consisted of offices in Toronto, London, Windsor, and Sudbury. The combined staff for these four offices was only 13 strong.

In contrast to this, at March 31, 1988, our staff complement was 79, and now we have 12 offices across Ontario, including two new offices in Sault Ste. Marie and Timmins.

During 1987, we also established two new advisory units, the west

Mr. Di Santo

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Toronto and Niagara region advisory unit, and the northern region advisory unit. Exhibit 1 in the report shows the present organizational structure of the office.

Since the office of the worker adviser opened its doors in 1985, there has been an unprecedented growth in the demand for our services. The 1987-88 period alone saw a 30 per cent increase in our case load over the previous year. There has also been an increase in excess of 200 per cent more than the case load originally projected in 1985. I will be providing the case load statistics in more detail later on, however, clearly, with this type of growth, the office must expand to meet the demand. One hoped-for expansion in the future is the establishment of an office in the Mississauga area.

Turning to services provided, the first major section of the report, I am going to focus on our most pressing issue, the heavy demand for our services and the resulting waiting list and the measures we are taking to resolve the situation. I will also discuss our major organizational accomplishments in the area of advising and representing injured workers.

Since the office first began providing services in October 1985, the staff has responded ~~to 20,000~~

R-1545 follows



Di Santo
(Mr. ~~Di Santo~~)

... in the area of ~~advising and representing injured workers.~~

~~Since the office first began providing services, in October 1985, the~~
staff have responded to 20,957 cases, as of December 31, 1987. In the calendar year ended December 31, 1987 the staff responded to 14,921 cases. The statistics in our full report relate to the cases handled in the calendar year.

As mentioned, before we review our record with respect to injured workers we have assisted, I would like to address the source of greatest concern for the members of the committee and your colleagues in the House; the length of the waiting list of injured workers. As you are aware, many injured workers are waiting a year to 18 months, and in a few cases, up to 2 years, for their case to be activated to prepare for an appeal. This situation is unacceptable to my staff and myself, and I would like to acquaint you with our plans for resolving this situation.

The situation must first be put into perspective. Having watched the caseload grow and monitored the intake over our first 2 1/2 years, it is apparent that the bulk of the backlog was created in the first year of operation. Fifteen hundred cases were on various waiting lists throughout the province by June 1986, 1200 of them in the three Toronto area offices. An average of 380 new cases per month came into the offices in that first year and close to 25 per cent of them had to be placed on waiting lists after initial summary advice. As worker adviser positions were added to the offices, waiting lists diminished, but only temporarily. There were, quite simply, more injured workers with important and complex cases than we were able to provide extensive service to, notwithstanding our staff growth during this period.

I feel that it is important to acknowledge some of the reasons why the system was inundated with injured workers wanting to appeal board decisions. 1985 was, quite frankly, a year of hope for injured workers. Many who had been involved in the struggle for reform for several years had witnessed the defeat of a government proposal which would have cancelled or limited their permanent pensions. The new, independent appeals tribunal, established to finally take an unbiased look at Workers' Compensation appeals was a ray of sunlight in what workers had identified as an appeal system which did not work properly. The change in benefit structure suggested higher temporary benefits. Survivors' benefits were significantly increased. Automatic indexing of benefits and pensions followed shortly after the Bill 101 amendments. And, perhaps more significant than one realizes, the board began informing injured workers of their appeal rights and providing access to files as soon as the first level adverse decision was made. Contrast this with the previous, since 1981, practice of providing this information only after an adverse decision from what is now the decision review branch, and it is apparent that this move alone accounts for a substantial increase in the number of injured workers in the appeal system.

These are all important demonstrations of the visible reform for injured workers that was highly publicized throughout 1985 and early 1986, by the board, the tribunal and the media. In this context, the unprecedented numbers of injured workers approaching the Office of the Worker Advisor, the new and independent advisory service for injured workers, is not surprising. Some were workers who may not have appealed in the past due to either a sense of futility or lack of access to information. A significant number were injured

Mr. Di Santo


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workers who were looking for the system to take a second look at their cases which they had pursued as far as they realistically felt was possible under the former review system. Two enlightening statistics emerged in 1986. First; 10 per cent of our cases resulted from accidents between the years 1970 and 1979, and an additional eight per cent resulted from accidents prior to 1970. Second; about 10 per cent of workers requesting representation for tribunal hearings would have required leave to appeal...

R-1550 to follow



(Mr. Di Santoro)

~~Foreign passport issued from accidents prior to 1970~~

1550

~~Second, about 10 per cent of workers requesting representation at~~
tribunal hearings would have required leave to attend a previous appeal board decision.

By early 1986, when average caseloads of appeal cases had exceeded 100, I was forced to establish what we hope was a limited term waiting list in the Toronto office to avoid compromising the quality of adviser's work, pending the establishment of the Weston and Scarborough offices. We hoped we were at the crest of a wave and that demand would ease, but with new requests for assistance continuing to flow in at a rate of 15 per day throughout 1986 in the Toronto office, when these two satellite offices were opened in March of that year, a caseload of twice the capacity of the offices was already waiting for the new staff. By mid-1986, each of our other regional offices was in the same position and by the end of 1986, over 2,000 cases province-wide were on waiting lists. Because the 5,185 representation cases which were handled throughout 1986 were all "new", the closure rate of representation cases in that year was only 23 per cent.

A preliminary review of the length of time an appeal case remains active revealed a minimum of 10 months for hearing officer cases and 13 months for tribunal cases. These figures are for cases which involved only one appeal and cover the time for gathering additional evidence, preparing submissions, waiting for a hearing date, appearing at the hearing, post hearing submissions, waiting for the decision and, if the appeal is allowed, waiting for its implementation.

These were gathered from cases that had closed in 1986. Many cases, with several complex issues, involving multiple appeals, can remain open for more than two years. As table 1 on page 10 demonstrates, in the two years 1986 and 1987, a total of 3,345 representation cases have closed and 1,800 of the representation cases still open at the end of 1986 were still open at the end of 1987.

What this demonstrates is that at the same time that the waiting lists were building, they also were not moving, as active cases were only turning over at the rate of 23 per cent. In 1987, this turnover rate had increased to 37 per cent, and this improvement, coupled with a 16 per cent decrease in the number of new cases, gives me confidence that we are beginning to make headway with the backlog. However, now that we have achieved what appears will be the maximum growth of staff, this headway will be slow. The bulk of the waiting list cases came to the office in March to September 1986. Once these cases have all been activated, we project a two-year wait for them, so they should all be activated by September 1988. The average waiting time should reduce to one year.

After that, we cannot be confident of an accelerated decline and even a one-year wait remains intolerable for my staff and myself. The potential prejudice to workers' cases as a result of delay, the desperation workers are feeling, the devastation of their homes and lives, the growing sense of futility, all impact on not just the morale of the staff, but on their ability to be effective as well. Responding to urgent and short term needs of the

Mr. DiSanto

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workers on waiting lists occupies, it is estimated, up to 20 per cent of the adviser and management staff time.

In view of this unacceptable situation, we are investigating ways to increase our service capacity with our present staff complement. This includes a full examination of the following areas:

The efficiency of the office of the worker adviser case records management system: an unwarranted amount of worker adviser and support staff time is presently dedicated unnecessarily to managing informaion and maintaining accurate client records. Computerization of the client records system is essential to improving this. ~~Appropriate hardware has now~~

1555 follows:



Mr. Di Santo

R-1555-1

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~~... is presently dedicated unnecessarily to managing information and maintaining accurate client records. Computerization of the client records system is essential to improving this.~~ Appropriate hardware has now been identified and obtained and the Office of the Worker Advisor hopes to be working with a consultant in 1988 to produce the necessary software.

Adviser workload: between the summary and representation cases, the average caseload per worker advisor is presently about 100 cases. This is the average number of cases any advisor will be working on at one time. It is projected that with lower caseloads, work will be completed and new cases activated more quickly. This approach represents a short term additional delay for pending cases but it is expected to increase the service capacity in the long term. In addition to lowering caseloads, we will examine whether we can shorten file open time by concentrating representation resources on only the most important issues in each worker's case and limiting the service to summary assistance on other issues, enabling cases to close more quickly.

Staff training: internal staff training programs have concentrated to date on keeping up with rapid developments in compensation law and policy. This year we will add smaller regional sessions to assist advisers in developing specific skills in areas in which they have had little opportunity to practice.

Self-help materials: without intake counsellors, we are hard pressed to maintain the record of completed advisory cases set in 1987. To assist advisers in completing cases with summary assistance, we will review our summary assistance experience and identify those areas which best lend themselves to self-help material.

Case selection: while the above measures are anticipated to improve the present capacity to provide service to some degree, we realistically cannot expect to close the current 30 per cent gap between total cases and cases handled, in this manner. Indeed, the working capacity to date has been achieved with high overtime levels on the part of our staff. We therefore must acknowledge that some workers who request representation, may not receive this service from the office. We are developing a set of case criteria which will allow us to utilize our resources more effectively. I hope to implement our case selection policy by the fall of 1988 and will be advising MPPs when it is underway. In conjunction with this we are also re-examining how our external training resources and materials are used, to ensure that other worker representatives who wish it will have access to basic and advanced training programs.

A full overview of the distribution of our cases over the type of service provided, 1986 and 1987 can be found on page 10 of our report. The first quarter of 1988 reveals the following changes: basically at the end of March 1988 we had a total of 15,073 cases and on the waiting list, at the end of the year, we had 3,172 cases.

Turning to our experience with respect to workers we have assisted, our decision analysis statistics can be found on pages 13 and 14 of our report. From this overview of our case by case assistance and representation services in 1987 some trends are apparent: the proportion of OWA work at the operating and decision review levels at the board has increased by 15 per cent, from 46

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per cent in 1986 to 53 per cent in 1987. This was necessitated by the amount of summary assistance work required to maintain a satisfactory response time to new clients, and an increasing demand by waiting list clients for assistance with new issues that arise as they wait for representation service.

Of the appeal work, a greater proportion of decisions are from the WCAT, 21 per cent up from 7 per cent in 1986.

R-1600 to follow

~~that anxious they wait for representation service~~

Mr. DiSanto

1600

~~Of the appeal work, a greater proportion of decisions are from the Workers' Compensation Appeal Tribunal—91 per cent up from 7 per cent in 1986—reflecting both the natural maturing of case loads and an increased ability by WCAT to release decisions.~~

Appeals for initial entitlement generated the largest proportion of decisions and also generated the highest denial rate—34 per cent of decisions, 52 per cent denied. In 1986, initial entitlement constituted only 5 per cent of decisions, but 91 per cent were allowed or allowed in part.

The office of the worker adviser was statistically most successful with vocational rehabilitation decisions, but these constituted only 2 per cent of the decisions.

Maintenance of temporary total benefits generated the second largest group of decisions, with temporary supplement decisions third.

In May 1986, the chairman of the Workers' Compensation Board approached me about establishing a worker adviser office at the Downsview Rehabilitation Centre, in response to requests from injured worker organizations for an information or advisory service for the workers who are patients at Downsview. We established a six-month pilot project as a way of projecting the level and the extent of the service that would be required.

Injured workers were slow to respond to the service initially, but the demand increased significantly after the initial eight weeks.

The over 200 requests for service during the pilot project produced over 300 inquiries or complaints. Fifty-three per cent were requests for general information on how the board operates and the provisions of the Workers' Compensation Act, and/or the process at Downsview and what workers could expect while they were there. Fourteen per cent were cases in which the workers were anxious and apprehensive over their futures with respect to employment, rehabilitation, and other board services. Thirteen per cent were specific problems relating to a discharge recommendation to return to regular or modified work. Thirteen per cent were complaints about specific DRC doctors. The balance, 7 per cent, covered several miscellaneous areas.

In about 60 per cent of the cases, the advisers provided general summary advice on WCB procedures and alternative remedies. In approximately 33 per cent of the cases, the advisers pursued the problem further with DRC staff.

In the other 7 per cent of cases, we contacted the workers' family doctors or contacted client services staff on matters unrelated to the DRC admission.

Because intervention and advice were usually rendered at the time of discharge, or workers did not report back for other reasons, we could not record results in the majority of cases. Where we do have results, they were favourable to the worker in about 50 per cent of cases, including changes in

Mr. Di Santo

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program, changes in the discharge recommendation from regular to modified work, expanded entitlement, and adjustments in compensation rate.

We have concluded that there is value in maintaining an independent advisory service at Downsview, despite the low response, and that the demand will gradually increase. A great deal of the work which has been done has been preventive, catching minor problems before they became significant. Such a service is also able to identify systemic problems and bring them to the attention of the senior DRC staff. The most pervasive problem is that of keeping patients fully informed about treatments and procedures. This gap in information was filled during the project.

We are now staffing this office with Toronto area worker advisers on a rotation basis. We have just learned that the claims counselling service provided at Downsview is being phased out, an endeavour by the administration to establish the centre's treatment and assessment functions as wholly independent of the claims service functions. I anticipate an increase in the requests for service at the Downsview office that will result from this.

External training and outreach is one of the most significant services we provide. In 1987, there were 57 external training and outreach sessions including nine weekend and—

R-1605 follows



(Mr. DiSanto)

~~External training and outreach is one of the most significant services we provide. In 1987, there were 57 external training and outreach sessions including nine weekend and two week-long institutes conducted in co-operation with the Canadian Labour Congress, and several informal sessions with regional MPP assistants, as well as ongoing case-work consultations. An extensive MPP staff training program is currently underway, with most sessions scheduled for May and June.~~

The OWA is committed to resolving as many recurring problems as possible on a systemic basis. This involves working with other organizations in the system by way of formal and informal consultations, and involvement at the Workers' Compensation Appeals Tribunal and the board in significant cases. Since the passage of Bill 101, the agenda of new and unresolved issues has been both more extensive and more complex than anticipated.

In 1987, our initiatives at the tribunal included representations in two leading cases: The tribunal's decision 915A on the retroactivity of permanent disability pensions for chronic pain, and the tribunal's hearings, in decision 206, on injured workers' entitlement to interest on compensation benefits that are not paid until after an appeal.

Other significant submissions were made in 1987 on the disclosure of medical information to the employer, on the scope of the tribunal's power to set issues in an appeal, on the circumstances when a residential employee is in the course of his employment, and on a worker's entitlement to benefits when she or he leaves the province. In April 1988, the OWA participated in a special day-long meeting of the tribunal's advisory group on a range of procedural issues including pre-hearing medical reviews.

In 1987, the OWA undertook a number of ad hoc policy consultations with administrators of the Workers' Compensation Board on their policy initiatives. Our experience encouraged us to propose a structured process of policy consultation with emphasis on consultation prior to implementation and disclosure of background and working documents.

The OWA made submissions in 1987 and early 1988 on the board's chronic-pain-disorder policy, on hearing loss, on gold miners and cancer, and on occupational exposure to polychlorinated biphenyl. We are currently preparing submissions on the board's new framework for the rehabilitation of injured workers.

In addition, in 1987 we became the worker's representative in the board of directors' section 86n review of tribunal decision 72, which dealt with the definition of personal injury by accident. No decision has yet been issued by the board of directors.

Since late 1987, the board of directors of the board has used its section 86n powers to review some 14 tribunal decisions in which workers won their appeals for temporary benefits for chronic pain. The OWA represents the worker in four of these cases in which, unlike decision 72, the board has restricted its review to written submissions only and the worker's benefits have not been paid. We are opposing the board's decision to stay payment and have asked for a public hearing.

Mr. Di Santo

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The second part of the OWA's report deals with recommendations for improvements to policies and procedures. From the OWA's experience with thousands of individual cases, many ideas have emerged which I would like to highlight.

As we reported in 1986, coverage for some injured workers continues to be denied because the worker, although seriously disabled by the hazards of her or his work, is not employed in an industry which is required to have coverage. No single factor, such as the degree of risk, explains why some industries are excluded and others are not. Work in these industries is no—

R-1610 follows



(Mr. Di Santo)

~~...to have coverage. No single factor, such as the degree of risk, explains why some industries are included and others are not. Work in these industries is less hazardous than in many which are included in schedule 1. Indeed, often the actual job as a warehouseman, bartender, janitor or V.D.T. operator is identical to work which, in another industry, would be included. The office of the worker adviser continues to recommend that coverage be extended to all workers in Ontario. The human reality, today, is that one out of every 10 workers is left to face the risk of occupational injury and disease without that protection.~~

1610

Rehabilitation is a major current focus of the OWA. Since the board has recently made public its response to the Majesky Minna task force report on rehabilitation, the importance of a holistic approach, the role of a case manager, the importance of training, especially in English as a second language, are all concerns. Some changes will require legislation. Others necessitate a carefully considered approach from the board with more lead time for submissions on the implementations as well as the framework of the proposed changes.

We have detailed our recommendations about pension awards in our report to the committee. In the area of pension supplements, in addition to our 1986 recommendations, the board's new policy on S.45(5) is a major focus. In our view, the act does not require that supplements be temporary. They should be rehabilitation-linked. Wage loss supplements, in light of the 1985 to the act, amendments should be paid on a long-term basis.

Occupational disease entitlement continues to be a significant area of concern in 1987. The OWA recommends strongly that all present policy diseases be reviewed with a view to deciding in which schedule they belong.

Other areas in which there is a continued need for reform include chronic pain disability, occupational stress, psychological disability and head injury claims, and the board's adjudication procedures. Over all, the board's regionalization of services has been successful.

Turning, briefly, to the Workers' Compensation Appeals Tribunal, the OWA is concerned with the complexity of the tribunal procedures.

Based on two general principals, that decisions should be simple and accessible, our input to the standing committee highlights our recommendations on a number of specific tribunal procedures involving case descriptions, reliance on medical counsellors, case instruction and case direction panels, adjournments and scheduling, the role of the tribunal counsel and the admissibility of evidence.

Mr. Chairman, this has been a summary of the highlights of the calendar year 1987, both operationally and from the perspective of proposals which will contribute to the continuing improvement of the workers' compensation system in Ontario for those who most depend on it—Ontario's injured workers.

Thank you, Mr. Chairman and members of the committee for the opportunity to appear before this committee. I look forward to responding to the

committee's questions.

Mr. Chairman: Thank you very much, Mr. Di Santo. Before we get going around, there are some new members on the committee, as I am sure you appreciate, following the election last fall. And as a matter of fact, we have four of them right here with us today. I want to—just to make sure that they understand how the OWA is funded and ??, if you could go through and very briefly just tell us how you get your funding and who you report to, that kind of thing. It may be in the bigger report.

Mr. Di Santo: Yes, well, the OWA, if you look at the report, i start by saying that it was instituted in 1985 as a result of the amendments to Bill 101 and it was set up as a branch of the Ministry of Labour and we report to the assistant deputy minister of the policy division and through him, to the Minister of Labour. And the funding comes—it is a payback situation.

1615 follows:



(Mr. Di Santo)

~~...Ministry of Labour and we report to the assistant deputy minister of the policy division and through him to the Minister of Labour. The funding comes—it is a payback situation. We are allotted a budget and the Workers' Compensation Board reimburses the ministry for the expenses incurred.~~

Mr. Chairman: So who applies the brakes? If, for example, you talk about large waiting lists in your report and you speak to it quite eloquently, where do the brakes come on? If you decide that in order to look after all this backlog you need—I do not know. You have got 79 staff complement now total, I think it says in here. If you decided 120, just to pick a figure out of the air, who would say yes and who would say no? Since the WCB is paying the freight, do they have the say as to how many people you have in your complement?

Mr. Di Santo: Mr. Chairman, actually what happens is that even though the funds come from the Workers' Compensation Board, for all intents and purposes we operate like any other branch of the government, which means that all our applications for funding go through the minister to the Management Board of Cabinet and require approval by the Management Board.

Mr. Chairman: And have you received, because of the backlog—I am trying to get at this backlog thing you raise in here. Because of the substantial backlog of cases, is there an acknowledgement that that backlog is not just a blip on the scope? It is serious and it is long term. Is there an acknowledgement of that by increased funding every year and how does that work?

Mr. Di Santo: The minister—I think he made comments to the committee and I was not here when he spoke, but he acknowledges that a problem exists and he told me that he is willing to go to Management Board for additional funds.

Mr. Chairman: And how much of an increase do you get every year? Is there a set amount? Is it based on other—?

Mr. Di Santo: On page 7 of the report you will see that in 1987-88 we had the same amount as in 1986.??

Mr. Wildman: Mr. Di Santo does that mean you have been ??flat lined?

Mr. Di Santo: Pardon me?

Mr. Wildman: Does that mean you have been flat lined?

Mr. Di Santo: No. I have to explain why. When we started in 1986 we were allotted a budget based on the maximum salary level of the staff which was, for reasons that I do not know, the practice of the government at that time, but subsequently that practice has been reviewed and at this time for any new project the allotment is for the medium range. So in effect what happened was that in the last two years we had the luxury of having some surplus money that came to us because all our salaries were allotted at the top level of the staff but that will not be the situation from now on.

Mr. Chairman: I am feeling uneasy about that backlog. I do not know how you are ever going to get through it.

Mr. Di Santo: Well as I said in my presentation, basically unless we receive more resources we will be able to provide ??only the service that the present resources will allow us to do.

Mr. Chairman: I have lots of other questions, a whole lot.

Mr. Wildman: I too am unsure, as all members of the committee, Odoardo, are concerned about the backlog. You state on page 8 of your presentation that you project a two-year wait for the cases once they are activated. So that they should all be activated by September 1988 and that the average waiting time should reduce to one year and you state that you find that intolerable...



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Follows

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(Mr. Wildman)

~~... that they should all be activated by September 1988, and that the average waiting time should be reduced to one year. Then you state that you find that intolerable as well. Can you give us some further explanation or description of how you think you are going to be able to get those figures down to one year?~~

1620

Mr. Di Santo: Yes. As I said in my introductory remarks. In 1987, we witnessed an actual decline in the total number of cases. We think that—page 10 of the report—of the total new cases, in 1986 we had 10,562 new cases and in 1987 we had 8,880 new cases. So there is a net decline of from 88 per cent to 60 per cent of the cases. What is more important is that we have changed the way we have handled the cases because initially we had such an inflow of cases that all at once we were faced, as I said, with cases that came to us from 1970 and before 1970. So we had to put them on the waiting list. Now we are dealing with those cases and making a preliminary intervention.

If you look at the statistics you will see that we have been able to solve many more advisory cases in 1987 than in 1986. We have experience that we are able to solve many problems at decision review branch or adjudication branch without bringing those cases to appeal. All this combined leads us to believe that the new cases coming to us will either stabilize or slowly decrease. The efficiency in handling the cases will increase and, as a result, the waiting period will diminish.

Mr. Wildman: Do you have any way of knowing the reason for the decline in the new cases? Obviously, when you first open up there probably is a significant backlog of people, injured workers who suddenly appear at your door. Then obviously that will mean that there will not be as many of those old cases coming to you, subsequently. Is the backlog itself and the difficult time you are having in servicing the backlog also a reason for the decline in new cases coming to you?

Mr. Di Santo: As I said before, 18 per cent of all the cases that we had in 1986 were old cases actually. People who had given up, or could not appeal or required ?? to appeal that they could not obtain because there was no mechanism, because the law did not allow them to go to the new mechanism, or because they could not represent themselves. All at once they thought that perhaps coming to us, they had a new chance. I think that when you take 20 per cent of the total cases, you are talking of more than 1000 cases.

Mr. Wildman: I would think that most new MPPs have experienced the same thing. When you get newly elected suddenly cases from 20 years ago show up. The new guy on the block, maybe he can do something.

Mr. Chairman: ??

Mr. Wildman: That is also maybe why there is a new guy on the block.

Mrs. Marland: That is a very sexist comment.

Mr. Wildman: I notice that Mr. Di Santo said she/he rather than he/she so that should qualify.

Mrs. Marland: ??

Mr. Wildman: Can you give us some indication of how your waiting list is distributed across the province. Obviously you have tremendous demand in the Toronto area, what about your other regional offices.

Mr. Di Santo: Well, do you want the statistics for each office.

Mr. Wildman: Basically, what I am trying to find out if there is a real problem in one area and not such a great problem in some areas. In other words do you need expansion particularly in some areas...

R-1625 to follow



(Mr. Di Santo)

Mr. Wildman~~Statistics for each office.~~

~~Basically, what I am trying to find out is if there is a real problem in one area and not such a great problem in some other areas. In other words, do you need the expansion particularly in some areas as opposed to other areas?~~

Mr. Di Santo: I can give you the statistics for each office, as of March 31, 1988, of the number of cases on the waiting list: Toronto, 1,408; Hamilton, 332; Kitchener, 201; London, 354; Windsor, 97; Ottawa, 138; Sudbury, 245; Timmins, 104; Sault St. Marie, 136; Thunder Bay, 160. That is a total of 3,172.

However, I have to clarify that. Those figures do not tell the whole story. For instance, in Thunder Bay, we have two advisers and we have 550 cases; 390 cases are active cases and 160 are on the waiting list. This means that two advisers have a workload of 180 cases each, something that I have discouraged but I have been unable to dissuade them from doing. But you realize that that is excessive, and ??that is happening in many other jurisdictions.

Ms. Tait: The 1,400 figure that Odoardo mentioned for Toronto is spread among the three Toronto area offices, with the Weston office and the Toronto downtown office having around 600 cases each on the waiting list. As Odoardo mentioned, he had targeted the Mississauga-Brampton area for possible future expansion, and that would redistribute several of those cases in both the Weston and the Toronto office.

Mr. Miller: Odoardo, I think it is an excellent report that you have brought forward, but was it clear that 53 per cent of the cases that you dealt with were not eligible for assistance?

Mr. Di Santo: No. The cases that we dealt with for initial entitlement—not of all the cases that we have been dealing with—the number of cases that came to us that were claims for initial entitlement, of those cases, 59 per cent were denied.

Mr. Miller: They were not eligible.

Mr. Di Santo: That is right.

Ms. Tait: They were denied by the Workers' Compensation Board when we made submissions that they ought to—

Mr. Miller: Where there is room for doubt, would that not be the reason for it not being eligible?

Mr. Di Santo: I cannot tell you the reason why the Workers' Compensation Board denied them, but what I can tell you is that the worker came with a claim to the Workers' Compensation Board. On the basis of the evidence that it had, the board decided that the worker did not qualify. But, of course, the workers have an avenue open to them. They can appeal to the Workers' Compensation Appeals Tribunal, so that does not mean that all those 59 per cent of the cases will be denied definitely.

Mr. Miller: But that does not put money on the table for those individuals.

Mr. Di Santo: That is right.


Mr. Miller: They have to go on welfare. They have only that alternative. Mr. Chairman, I guess what I am saying is: Should there be some changes so we do not have to go through this whole procedure which is building up a bureaucracy and the workers are not benefitting?

Mr. Chairman: ??A very good supplementary, a very substantial one because you have asked a question, but it is up to Mr. DiSanto to answer it.

Mr. Miller: I understand. What I trying, I suppose, to say is this is an excellent report and makes these points fairly clearly and that that raises questions on how you deal with it.

Mr. Leone: In the last few days, I have been speaking on this subject, workers' compensation, because I believe that workers' compensation in our community—and Mr. DiSanto will agree—is the number one problem. As Mr. DiSanto knows, in the last 20 years at least, we have been—

R-1630 follows



(Mr. Leone)

~~... to number one problem and with Mr. Di Santo, he knows that in the last 20 years at least, we have been arguing and fighting to solve the problems of the board.~~

1630

Mr. Di Santo was in politics before, now is in another aspect in ??bureaucracy and government and that I am from the community—I am now in political (Inaudible). I am—and besides that, the government which makes—

Interjections.

Mr. Leone: So, and now, all my criticism and if there is criticism—in fact, (Inaudible) some questions appear to be critical, they are intended because personally, myself, I see that there is dissatisfaction. I am dissatisfied of the present situation, the workers' compensation. But most of the workers, we tried and we tried to give the workers instruments to solve some of the problems they have with workers' compensation and there were three offices that ??reorganized now, the tribunal and the employer adviser office and the worker adviser office. We are that one part. In case some of the expenses, the government and from what I see on that proposal of the worker adviser, I can see that we will end just like another ??rental review board with backlog of cases and citizens not satisfied and spending of the money.

When these offices were created, we attempt to solve some of the problems at workman compensation, especially in the inner procedure. In the appeals—in the report, it has been said that the workers were helped by people within the board which were in conflicts with their own—with the board itself. So, we created this board here. Now, I can speak for the hundreds, thousands. The backlog at this point here, with all the efforts that have been made by the offices, still is unjustified. And one thing that now appears to come from, especially from mine and probably from all the other areas constituency—workers find in this offices now, a certain kind of bureaucracy. The difference that they find in our offices—because in our riding, the constituency office, they are—we take the case of the workers because we are, let's say it, an ?? . We have to serve people.

Now, in those kind of office, appears to be this kind of bureaucracy. And my workers come to me now from Downsview and they do not want to go to the worker adviser. They know that the two years waiting list, waiting time, and they do not want to go and the—what they complain today, it is just this kind of things and the same thing was told me today by Tony Lupusella, NDP, and ??Mike was there—the complaints about the same thing, of the inefficiency of the helpers. I would like to ask from Mr. Di Santo what he can say to this—they are not criticism. We have made some of things said in this paper, so—but knowing him that at least that he believed in this kind of principles. I mean now, I wonder what he says, he tells the workers when they go to his office and they complain about this here, if he tells them that it is the fault of his office or the fault of the government.

~~Mr. Di Santo: This is a cute question in a way. I wish Mr. Chairman~~

1635 follows:

(Mr. Leone)

~~...of this office or the fault of the government~~

Mr. Chairman: ??

Mr. Di Santo: This is a cute question in a way. I think, Mr. Chairman, that as we say in our report on page 10, we had in 1987 a total case load of 15,000 cases, which is 339 per worker advisor. We handled 12,000 cases in one year and of course I agree completely with the honourable member when he says that the workers are, in many cases, not only dissatisfied but they get angry because they cannot get service. There is a relationship between the resources and the service we can provide and it is as simple as that. If we do not have enough resources, we cannot provide service for all the injured workers who are coming to us.

In the western office, we have six advisors and there is no way that we can serve all the workers that are coming to us. In the months of April and May, after the fiscal year when we did not have the surplus money, that I was talking about before, available so we could not use temporary staff as intake counsellors. Now the worker advisors have to devote their time to do the intake; which means to do the first contact with the worker who walks in with his or her problem, and it is time consuming. We spent 20 per cent of our time in this operation; from April 1 until April 30 we had 154 new cases in Downsview. With six people, there is no way that we can serve all the workers that we have plus 156. We do not have the statistics for the month of May but they are not very dissimilar.

Mr. Chairman: Mr. Di Santo, are there any limits on your mandate as advocates or on your ability to criticize the board? You are part of the Ministry of Labour so I would expect there are limits, as any civil servant, to do a job on the minister for example. Are there any limits on your rights to criticize the compensation board?

Mr. Di Santo: Well, as you can see from our report and from our presentation there are many comments and criticisms, if you want to put it that way, of the procedures and the way the board handles certain aspects of their mandate, like rehabilitation. To go back to the question that the member for Downsview raised, I would like to say that we have been trying very hard. As I said before we had an inundation of cases at the beginning and now we are handling cases on an early intervention basis, which is giving some results. With the present complement, we cannot serve all the injured workers that are coming to us. Fortunately or unfortunately, section 86(q) of the act is very generic and says that the Ministry of Labour will establish the Office of the Worker Advisor and we are required to serve all the workers who walk into our offices.

Mr. Chairman: Mr. Leone I was not trying to pre-empt you.

Mr. Leone: Yes a supplementary. This is why the criticism comes at this point. The solution given in 1985 of just ?? and then creating more bureaucracy and more run around of the workers. We can see it, it is there. What should have been done at the time was to solve the problems at the source. Work on compensation ?? the regulations, the appeals, the adjudication system. It is there that the first injustice is made to the workers. ~~And then~~

1640 follows

(Mr. Leone)

~~the regulations, the appeals, the adjudication system. It is there where the first injustice is made to the worker.~~

1640

Then he goes on now— It takes a few years to go back again, in the case of section 86 and the new regulation of the board that the board has the final decision. We have created just a circle, and the work is to straighten ??it. We are not giving him the benefit of the law under the act. We can see it. They do not have enough staff, and this will be continuing probably, until we create something.

Mr. Wildman: On a point of order, I would just like to point out that it is the responsibility of this committee, as a legislative committee, to make recommendations to the government, to the assembly, for changes in the act.

If you are concerned about section 86n, that is something we can do. If you are concerned about the way the board is operating, we can make recommendations in our report. For that matter, we could make recommendations along the lines of the recommendations made at the Liberal convention recently about bringing in universal sickness and accident insurance and getting rid of the whole compensation operation.

Mr. Leone: Okay. I have just one question now. How much is the total budget of the office of the worker adviser, and what is the range of the counsellors' salaries?

Mr. Chairman: You could add a third on there, Mr. Di Santo. Mr. Leone has asked how much they earn—

Mr. Leone: How much is the total budget?

Mr. Chairman: The total budget, and how much the worker advisers earn. I would ask a third one.

Mr. Leone: No, no, just the counsellors, the range of salary, and the total. The total is \$4.5 million?

Mr. Chairman: Yes. Mr. Di Santo, along the lines of Mr. Leone's question, as well, how many of that staff of 79 in the office of the worker adviser actually deal with injured workers and how many are administration? For example, does every office have a manager?

Mr. Di Santo: Okay. To answer the member for Downsview, on page 7 are the figures for the budget. The total expenditures for 1987-88 is \$4,532,600. I cannot give you the figure for the expenditures for the salaries of the advisers, but I can tell you that the range of salary, which is an economist 3 of the civil service, is in the \$36,000-to-\$42,000 range.

As you can see on the preceding page, exhibit 1, the office is organized with a director, a secretary, and an executive assistant. There are four regions plus a special service unit. In each office there are two or three worker advisers and one or two secretaries. The ratio is one to three,

basically.

Mr. Chairman: If an office gets plugged up with cases, who decides on priorities? Who decides on whether or not that worker has too many cases and that one does not have enough and is not doing enough? Who makes those decisions if you do not have a manager in the local office?


Mr. Di Santo: Basically the managers.

Mr. Chairman: But they are not local office managers? I think we have a language problem here.

Mr. Di Santo: There are four regions. For each region, there is a manager, and the manager for each region makes the decisions.

Ms. Collins: The other day when the employer adviser representatives were before the committee, one of the recommendations they made to streamline the Workers' Compensation Board appeal process was to declare redundant a position of the decision review specialist. What they are saying is that those people then should be the adjudicators because—

R-1645 follows



(Ms. Collins)

~~streamline the Workers' Compensation Board process was to declare redundant the position of the decision review specialist. What they are saying is that those people then should be the adjudicators because they are the more experienced people, and, in the end you will get the decisions right the first time. Therefore, there will not be as many appeals in the system. I am wondering if you could comment on that recommendation.~~

Mr. Di Santo: We have not addressed this question directly because it is not one of our priorities. We have been trying to operate within the existing structures. Our experience in 1987, as I say in our report, tells us that we have been successful, in fact, in having a very high number of decisions reversed at the level of the decision review board.

I can give you my personal opinion. What happens now is probably because of problems internal to the WCB, the adjudicators are in a position where they make decisions that in many instances are reversed even within the board after an immediate review. I do not know if that is because of an excessive workload or because of the way the work is organized at the board, but historically that is what happens. I think that the chairman of the board made the same admission when he appeared before the committee.


I do not think, by eliminating the review branch, you solve any problems. If the adjudication makes decisions at the beginning which are required to be redressed in such large numbers, I think we need a better adjudication process. If you have a better adjudication process, then you can consider whether or not a decision review branch is needed. But at this stage I think that you would move the problem to a different level, but you would have the same results.

Ms. Collins: What they are saying is that the initial adjudication is being done by adjudicators who are not very experienced, and then the people at the next level, the decision review, have the experience and they are overturning the decisions. You seem to be backing that up by saying you have a high success rate of appeals when it goes to the decision review branch. Would it not then make sense to put those more experienced people on the front line?

Mr. Di Santo: I think that we agree up to a certain point, in the sense that if you have a better adjudication system, you do not require so many reviews. If you put senior staff at the initial level and then eliminate the second level, or if you have a junior staff—that is an internal problem of the board. Certainly, at this stage, I do not think that you solve any problem if you just eliminate the decision review branch.

Mrs. Marland: Obviously, this deputation is one of the most revealing to us, as a committee, dealing with this subject, as to where the greatest area of concern is. It is very disappointing when we look at the kinds of case loads that we are talking about and we look at the projection of where this particular office is going.

You answered earlier in response to what the worker advisers are paid that it was in the range of \$36,000 to \$42,000. Could you tell us what the qualifications are that are required for that job, please?

Mr. Di Santo: They are classified in the public service as a community development 3, which is a bureaucratic classification that probably does not tell you anything. It does not tell anything to me either. 

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~~(Mr. Di Santo)~~

~~... which is a bureaucratic classification that probably does not tell you anything. It does not tell anything to me either.~~

1650

Mrs. Marland: Are they masters of social work?

Mr. Di Santo: There is not a specific requirement in terms of academic or university degrees because it is not required in the public service but the people we hire are people who have experience in the workers' compensation system, who have been engaged because they have been working in legal aid training or because they are assistants to the MPPs. We are training your assistants, so some of them one day may want to come and work for our office if they get really committed to our--

Mr. Chairman: If they do not get a raise.

Mr. Di Santo: Well that is your problem Mr. Chairman. Some of them, a very small minority, were legal aid workers who had been working in clinics specialized in workers' compensation. Some of them are lawyers, but there is not a specific requirement. They are basically hired on the basis of a competition run according to the Civil Service Act and under the supervision of the human resources branch of the ministry and they have to qualify and they are hired on their merit.

Mrs. Marland: And probably multilingual, of course, would be a natural. Would not it be?

Mr. Di Santo: Also, we have been encouraging injured workers to apply for the jobs and in fact we have hired a number of them who are doing an excellent job.

Mrs. Marland: Who may already have gone through the system.

Mr. Di Santo: Yes they have.

Mrs. Marland: And nobody would understand it better.

Mr. Di Santo: That is right.

Mrs. Marland: On page 7 of your report where you have your financial report it is dealing with 1987-88. I am just wondering—it probably is somewhere else in the report but I have not found it. Can you just tell me what the 1986-87 ballpark budget was and the '85-86, since this is the third year of this office? I am just wondering what kind of percentage increase the office has received. That is the thrust of my question.

Mr. Di Santo: I could not remember correctly. No, actually I will tell you because I have last fall's report and if you will give me only one minute I will look through it. It was \$3.6 million.

Mrs. Marland: That was last year?

Mr. Di Santo: Yes.

Mrs. Marland: So that is about a million, so we are talking about a 35 per cent increase almost.

Mr. Di Santo: In 1987.

Mrs. Marland: In 1987-88 it is almost a 35 per cent increase.

Mr. Di Santo: That is right. And that included opening the office in Sault St. Marie, in Timmins and the operation at the Downsview rehabilitation centre.

Mrs. Marland: Yes. When we talk about a waiting list and we look at the numbers that are on these waiting lists. For a name to be on a waiting list, has there been any initial contact or initial interview and is it at that point that you decide whether it is an emergency or urgent or whatever category you have?

Mr. Di Santo: As I said in my presentation, initially we were just inundated with thousands of people coming to us. So the initial intake was very summary and we were forced in a way to put everyone who came into the waiting list. Now, for reasons of efficiency and also because we think that many problems can be solved at a lower level, at an operational level of the Workers' Compensation Board, when a person walks in we do the interview and if it requires an initial intervention we do the intervention. If after the intervention we have a negative decision and it requires an appeal, at that point in time that person goes on the waiting list.

Mrs. Marland: That is the point at which they go on the waiting list.

Mr. Di Santo: That is the point. The reason, it is basically a question of resources because...



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~~...negative decision and requires an appeal. At that point in time that person goes on the waiting list.~~

~~Mrs. Marland: That is the point at which they~~

Mr. Di Santo: ~~That is the point and the reason that it is basically~~
~~a queue of resources because~~ when you reach the appeal level then the time required is such that with the present complement there is no way that we can serve every person, every injured worker who comes to see us.

Ms. Tait: May I just add something very quickly to that Mrs. Marland? When the decision is made to put the injured worker's case on the waiting list, as Odoardo described, the waiting list date for all intents and purposes is that worker's first contact date with the office. So he or she has not lost any ground in terms of priority while we went through whatever intervention we are trying to do.

Mrs. Marland: The examination. Right

Ms. Tait: That is right. So if we spend two or three months attempting to summary advice or make submissions to claims or decision review branch and we are not successful the worker's first contact date is the date that establishes his or her place on the waiting list.

Mrs. Marland: So that would help them somewhat?

Ms. Tait: Yes, somewhat.

Mrs. Marland: It just seems that, I mean I know all of us who have particularly dense urban ridings, certainly I do in Mississauga South; it is the item that my community office spends hours on the phone with. Sometimes when I am working in that office, they tell me how frustrating it is, even dealing with the people in your office. It is not your fault that it is frustrating—even the waiting on the telephone line and so forth—so I will say give me that file and let me see what I can do. Then you wait on the phone for 10 minutes or so, just waiting for somebody. I cannot understand why the file retrieval system is not better than it is in all the different levels of Workers' Compensation, whether it is into your office or into the board office.

The amount of wasted time just reinforces for me the fact about why I am so glad this committee is having this opportunity to review the system. In my humble opinion the system is not working in the interest of injured workers. If we are going to have a system, then we better fund it to the level that it needs to be funded to make it work so that people are not experiencing the frustrations and the delays that they are.

Secondly, it is interesting that the salary range is what it is, it is a fairly good salary range for your advisors, but I will tell you the kind of level of frustration that they have to work at and the kind of problems that they are dealing with, would I think eventually wear the best people down. It is too discouraging, I think, to know that, well your report says it all. If you have a 23 per cent closure rate in a year, that has got to be a very high level of frustration for your staff. I just know from my staff and my own

Mrs. Marland

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personal experience that, I just think that there has got to be a better way.

At the beginning of your report, Mr. Di Santo you say, when you talk about the Office of the Worker Advisor being established in 1985 by Bill 101 amendments--of course the new Workers' Compensation Board of Directors, the Workers' Compensation Appeals Tribunal, Office of the Employer Advisor and the Industrial Disease Standards Panel--you say it gave us a structure within which great steps forward have been made. I presume you made this statement for this report within the last couple of months. I was not involved with this process before 1985 so I cannot speak from personal experience, but if you tell us now that great steps forward have been made, I have to wonder where we started.

Mr. Di Santo: Well I think that you are absolutely right. What I mean in my report is that the tribunal being an independent adjudication body outside the Workers Compensation...

R-1700 to follow



(Mr. Di Santo)

~~... you are absolutely right. What I mean in my report is that the tribunal being an independent adjudication body outside the Workers' Compensation Board represented and I think still represents an extremely important point of reference for injured workers who previously had all their cases adjudicated within the Workers' Compensation Board and felt totally frustrated because they felt that they had no recourse to have due course basically.~~

1700

Of course with the opening of the Office of the Worker Advisor we have the problem of the waiting list and it is exasperating because if your office had to go through the experience of asking for files in a limited number of cases, we had to do that last year for 11,538 times. You can just imagine that every time that you ask for a file you have to wait five, six, seven, eight, ten days and if you have to repeat the same operation two or three times you can understand the amount of time that we spend only to retrieve the basic information that will allow us to help the injured workers.

Mrs. Marland: Well, these branch offices or regional offices whatever the correct term is, how is that retrieval done? Are you saying it is not done through a computerized system?

Mr. Di Santo: No we do not have a computerized system but we have to call the Workers' Compensation Board.

Mrs. Marland: Then is it couriered in a package to the office?

Mr. Di Santo: When we ask for a file—perhaps I should clarify because we are talking of two different levels. There is an initial contact that we make with the board when an injured worker comes to us and he tells us of his or her problem, so we have to identify where the problem is and if we can intervene. We call the board and we have to talk to the adjudicator or at whatever level the file is and see what we can do on the spot. That takes time, you know that, it takes five, six, seven days, one week or two weeks, it depends.

Mrs. Marland: Excuse me, can I just ask you, why in your opinion do you think that is? Is it because the adjudicator or the staff person you are trying to get that has that file active on their desk or in their division does it take seven or eight days to get to them because they are seven or eight days behind getting to the person that called before you?

Mr. Di Santo: Well the reason that I have been given and of course it is public, is that the file system that the board has instituted at 2 Bloor Street East is a vertical system. It used to be a horizontal system when they were on Front Street, so that if you asked for a file, the file would come to you in a matter of minutes. Now it is a horizontal system—

Mr. Wildman: Vertical. ??

Mr. Di Santo: Vertical system split into I do not know how many levels. The file may be at any level; that is why it takes so much to retrieve it.

Mrs. Marland: So you are saying that when they relocated they changed the file system and that has added a week.

Mr. Chairman: It was a real big change.

Mr. Di Santo: It was a real big change, from Front Street which was a long building, this is a skyscraper. They could not relocate the file system the same way as they had it in Front Street.

Mr. Wildman: That was Mike Starr's comment to this committee a number of years ago.

Mrs. Marland: So it is the physical plan, we are saying that the physical plan controls the type of filing system.

Mr. Chairman: I think to be fair there is a certain tongue-in-cheek aspect to this whole discussion because when that did happen there was not the degree of computerization that there is now. Go ahead. We want to get at the delays and keep focussed on that.

Mrs. Marland: All right.

Mr. Di Santo: What I was saying is that we experience that frustration everytime we have to --

Mrs. Marland: When you call you wait seven or eight days for the initial call back.

Mr. Di Santo: Yes that is right. The second level is that when the worker, or one of your constituents receives a negative decision, at that point you have to decide if an appeal is required. At that point you ask for a photocopy of the file and that can take two, three, four weeks. (C)

R-1705 to follow



~~Mr. Di Santo:~~

~~That is what point we have to decide that an appeal is required at that point, for a summary of the file. That can be put in the file.~~

Mrs. Marland: How is the file transmitted to you?

Mr. Di Santo: Usually, we have an internal system in Toronto. It is by courier.

Mrs. Marland: You physically get a file transmitted to you by courier.

Mr. Di Santo: That is right.

Mrs. Marland: Has anybody done an estimate on a computerized system, instead of the courier system, where the terminal on the desk brings up the file? Would that work?

Mr. Di Santo: We do not have the facilities at this point. It is quite expensive. It is not even planned for the immediate future.

Mr. Chairman: Would it be helpful to know that the district offices of the Workers' Compensation Board have that system where they plug it in and it appears in the different branch offices. But keep in mind that the Office of the Worker Adviser is an advocacy organization, not part of WCB at all. As a matter of fact, it is trying to get more out of WCB. So there is not that kind of co-operation.

Mrs. Marland: Okay. So we do not know what it would cost to give you a computerized terminal retrieval system of those files that would be instantaneous rather than waiting three or four weeks to physically get some paper from a courier. That is the system we are talking about.

Mr. Di Santo: That is right.

Mrs. Marland: In 1988, we are talking about couriers running around with files of paper. It takes a month or a week for you to receive the initial response on the file. Then you make your decisions and your investigations as to whether it is a case you are going to take. Then when you decide it is a case you are going to take, there is a month to get the file.

In the meantime, that injured worker could be without any income at all. If that injured worker requires medical treatment, is any of this an impediment to him or her receiving the needed treatment? If injured workers do not have any money for treatment themselves, which if they are not earning they probably do not have, are any of these delays an impediment to those injured worker receiving medical treatment?

Mr. Di Santo: It certainly is, if we are dealing with a case of entitlement. It depends on what case you are dealing with. If it is a case of entitlement, and the worker's claim was not accepted by the board, the worker is not paid until a final decision is made on his claim.

If it is a case of benefits which have been cut, for instance, total

temporary being cut to partial temporary, or if a supplement has been cut, off course the workers are not paid for that period of time. If they do not have any other income, then they do not get benefits.

Mrs. Marland: We are talking about money in this case, which, of course, is very serious. But if a claim is being made and that injured worker needs money to pay for physiotherapy, for example, because this physiotherapy is not covered because nobody is admitting that it is their responsibility, what we could be talking about is if that worker is not able through social assistance to get any money, then in fact we are removing his access to medical treatment such as physiotherapy.

Mr. Di Santo: If it is an initial entitlement, but if the claim has been accepted, they are usually paid for medical care.

Ms. Tait: Unless the decision is to deny ongoing physiotherapy, in which case you could be right if it is not covered by the Ontario health insurance plan or something like that. Then they are being denied access to that medical treatment.

Mrs. Marland: All of these time delays are critical in more ways than just the financial aspect to that injured worker. It is possible to delay their access to medical treatment.

Mr. Leone: To clarify, medical assistance, I do not think, is deprived to injured workers because they go under ?? or if anyway. I can see it now from ??pharmacists.

Mr. Wildman: That in itself can be a problem in dealing with the board.

Mr. Leone: No, no—

R-1710 follows

~~(Mr. Di Santo:~~

~~... I do not think it is depraving to injured workers because they go under Ontario health insurance plan anyway. I can see it in our performance.~~

1710

~~Mr. Wildman: That in itself can be a problem in dealing with the~~

Mr. Di Santo: No. I mean it is not an impediment except in physiotherapy. Yes, in physiotherapy.

Mrs. Marland: What I am talking about is physiotherapy.

Mr. Di Santo: Physiotherapy—Yes.

Mrs. Marland: Physiotherapy is the kind of treatment that is so critical to rehabilitation. It is also the kind of treatment that if it is not received at the time, obviously the condition deteriorates. What we are talking about here is at least a five-week process that is tightly identified. It is probably more than that, but we are talking about a five-week process which can be directly related to the treatment of injured workers in terms of their health—their physical treatment—which I think is very critical.

I would like to ask Mr. Di Santo if he would agree with this. I am getting the signals, Mr. Chairman. The irony is that if the physiotherapy treatment, for example, is delayed, the injury which is sustained becomes possibly more severe and the compensation then has to be greater so the end-cost of this injury could be greater than it need to have been if the injured worker had been processed as expeditiously as possible at the beginning.

Is it not ironical, perhaps, that some of the money that is trying to be saved by not even being computerized, for goodness sake, in 1988, some of that money could end up being a long-term cost because that disability is accentuated by the fact of the time lapse?

Mr. Di Santo: The office of the workers' advisory is on record both in our presentation to the Majesky task force and to the board itself that we favour early medical and vocational rehabilitation intervention. That should start immediately after the accident or the injury, whatever the case may be. Of course, if you have early intervention, you will not be faced with many of the problems that you are talking about.

Viewing the present situation, if the file system delivery is expedited, of course, you also avoid some of the costs that the board itself may incur because of the circumstances that you are describing.

Mrs. Marland: Certainly, the file retrieval has to be seriously addressed. Do you have other speakers?

Mr. Chairman: Yes, we do, and Mr. McGuigan had a supplementary. Maybe we can come back to you.

Mrs. Marland: No. If you have a list, I will yield the floor. Could

I just ask if we have a researcher here today?

Mr. Chairman: Yes. Merike Madisso.

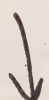
Mrs. Marland: I just want to be sure that a notation is made that we pursue, as a committee, the file retrieval because that is obviously a very serious element in this office. We recognize the waiting list is the other serious element.

Mr. Chairman: We are keeping track of major concerns raised and the Workers' Compensation Board is scheduled to come back before the committee at the end of our series of hearings. Mr. McGuigan had a supplementary.

Mr. McQuinty: All I need is a clarification on the file retrieval. I guess all of us agree that in 1988 and beyond we would like to have the most modern system that we possibly can. I try to put myself in the position of a worker who is at a desk. I get six or eight weeks of files here waiting for my work. The phone rings. A call comes in. I answer that and they want certain information. It takes six weeks to get that from WCB. Does it really make any difference to me whether I get that today or I get it six weeks from now because I have got six weeks over here?

I am not trying to defend the situation but I just wonder if we had all these modern gadgets and they are all working, it would make as much difference as Mrs. Marland or any of us here...

R-1710-1 follows.



(Mr. McGuigan)

~~... I am not trying to defend the situation. I just wonder if we had all these modern gadgets and they are working, if it would make as much difference.~~
Mr. Morland or any of us here would like to think it would do. It seems to me that I am working at the desk and I press the button so that I get all the stuff that appears on the screen. I am still going to want hard copies of it to look at and confer with other people and to sit down and make decisions and all that sort of thing. I am not just going to look at the screen and say: "Oh yeah, let's deny it. Oh no, we give in." I do not think you do things quite that way. You are going to ask the machine for hard copies and you are going to confer with other people. You are going to confer with other cases and look at the books, all that sort of thing.

The case I am trying to make is that the computer is not going to do quite as much as people perhaps think it would do for them, when I have this six weeks, eight weeks here that I am dealing with. It is the same in my office. I am working on a case, somebody phones me up, I say, "Oh, yeah." Well, they expect me to drop that case and go and get all the answers to their cases and perhaps the person who I am working on took the trouble of coming to Toronto, made a special trip to Toronto to see me, and went to a lot of effort. The other person just picked up the phone. We all have that problem of dealing with cases. I am just trying to put it in a little bit of perspective. If you have any comments, I would appreciate it.

Mr. Di Santo: Mr. Chairman, the file retrieval was not placed in our presentation because we really do not think it is a crucial aspect of our operation. Probably that is an issue that the committee may want to raise with the chairman of the Workers' Compensation Board.

What we are concerned with is the way the adjudication is done now. We think that better adjudication will solve many of our and your problems. Also, the other aspect is that whatever we do affects directly people, real human beings, but because of the way the system works they are affected negatively and in some instances are penalized; and they are in many cases the most vulnerable people in our society.

Ms. Tait: If I might add, when we mentioned looking forward to computerization in our report, the kind of new efficiency that it will bring to the office of the worker adviser will be in basically producing reports like this. It is very important to monitor our own experience, to monitor the board's experience, to be able to report it, to be able to critique it, and right now development in cases and counting cases of injured workers. As the report says, we are dealing with close to 15,000 injured workers' files a year. Everything to do with those cases is being counted manually at the moment and that is all pretty labour-intensive in the office of the worker adviser.

So when we speak of computerization, we are looking forward to releasing some of the staff hours that go into those sorts of counts back into providing service to injured workers. That is the 20 per cent of time that we think we might gain on 15 per cent in the future when our operations, our records management is on computer.

Mr. McGuigan: I appreciate what you are saying and I agree with everything you are saying. I think some of us have created a feeling that if

Mr. McGuigan

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we only computerize we would have instant answers and that is just not so.

Ms. Tait: We do not have illusions that way.

Mr. Chairman: I will pass on a warning that a bank teller gave to me one time. She said computers are faster but they take longer.

Mr. Wildman: I would like to follow up on the question of backlog. I want to say at the outset that we appreciate in the Algoma-Sault Ste. Marie area the opening of the Sault Ste. Marie office. I also appreciate the tremendous backlog that it is facing.

Mr. McGuigan: It is the same for Windsor.

Mr. Wildman: However, I want to deal with the question of the backlog. We discussed earlier your comments, Odoardo, on page 8, that you expected the average waiting time to be reduced to one year by September of this year. Has your office or you received any directive or encouragement from the ministry that the waiting period should not exceed six months?



1720
follows

~~Mr. Wildman:~~
...has your office or you received any directive from the ministry that the waiting period should not exceed six months?

1720

Mr. Di Santo: I do not understand.

Mr. Wildman: I will tell you where that is coming from. One of the training sessions that you provide for MPP's assistance was held in Sault Ste. Marie on Friday, and I understand your manager of the Thunder Bay area was present and he indicated that the ministry would not like to see any waiting periods exceed six months.

Mr. Di Santo: That was not a directive of the ministry. It was a kind of hope that in the future we could possibly reach an optimum where the workers should not wait more than six months. But, as I say in my presentation and I think that I have to be very straight forward with the committee because I do not want to tell you that we are going to reach that situation in the near future because we will not be able with the present level of resources available to the office.

Mr. Wildman: That is what I want to deal with. If you are flat-lined, and I know you say you were not flat-lined, you explained that. The fact is that you have the same amount this year as last.

Mr. Chairman: Next year is this year.

Mr. Wildman: Next year is this year right. So that means in effect that you are not going to be able to hire much more staff.

Mr. Di Santo: Well, with the present budget that is the situation.

Mr. Wildman: So, while the ministry would like and hopes to see a decline in the waiting period, at this point there does not appear to be a commitment to provide you with the resources that would make that possible.

Mr. Armstrong: In all fairness though, the commitment would extend in other areas than just financial resources. The ministry is committing significant resources in terms of developing automated case management systems for the Office of the Worker Advisor, so it extends beyond just the dollar figures in terms of straight salaries.

Mr. Wildman: OK, but you also said on page 10 of your presentation that you were developing a set of case criteria that would allow us to utilize our resources more efficiently. You said you hoped to implement our case selection policy by the fall of 1988 and will be advising MPPs when it is underway. I would like to find out what this term, case selection, means. It seems to me that right now, for obvious reasons you are dealing with urgent problems. It makes sense that you would be dealing with urgent problems. Is that correct?

Mr. Di Santo: With all kind of problems.

Mr. Wildman: Well, if you have two people with cases and one is

Mr. Wildman

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working, he has an income, he has a claim and the other guy is off work and he has an appeal and he has no money, it would seem to me that if I were a worker advisor I would say I better deal with this poor guy who has no money before I deal with the other guy. Is that a fair way of looking at it or not?

Mr. Di Santo: Mr. Chairman, it is not really black and white because the criteria will be much more complex and will take into account several factors and of course financial situation is one of the factors, but it is not the only one on the basis of which we determine priority.

Mr. Wildman: Are other factors things such as whether the individual has an option of a different representative?

Mr. Di Santo: Well, yes.

Mr. Wildman: Such as a labour union?

Mr. Di Santo: Yes that is right, that is one of the factors. I think that, as the minister made clear, we cannot, at this point take the responsibility for representing all the injured workers who need representation.

Mr. Wildman: No, I understand.

Mr. Di Santo: In fact we have been doing training, with your assistance as you mentioned and ??

Mr. Wildman: ??

Mr. Di Santo: His assistant came last week to our training session and we think that by doing that we will enable a larger number of people to represent injured workers at levels that they cannot do now because of lack of knowledge or because they are not experience.

Mr. Wildman: I understand that, Odoardo, and I also understand that all of us, or at least most of us have a backlog too of ?? cases. It certainly is not as extensive as yours. ~~If it were...~~

R-1725 to follow



~~Mr. Wildman: I understand that O'Garra and I always~~
~~all of us or at least, I think most of us have a backlog too of 72 so many~~
cases. Certainly, it is not as extensive as yours, but if it were then that riding would seriously be in trouble. The fact is that we deal on that basis of urgency, unfortunately. That, in fact, if we have a situation where someone is working and has an income, but we think has a possible legitimate appeal, that person does not get the same urgency as the person whose family has no income. And so, unfortunately, the individual who has an income keeps getting put off and put off and put off. And I am saying if that is happening in my office, and I admit it is happening in my office, is that happening in yours?

Mr. Di Santo: Well, right now it is not happening because we do not have a case selection criteria in place. We have been operating now on a first-come first-served situation and of course, if there are exceptional circumstances, we take that injured worker and we serve them because of the exceptional circumstances. If you are talking about when the case selection criteria is in place, then at that time we will have a number of criteria that will guide us.

Mr. Wildman: OK. Well, that was what the question was intended to find out; what this case selection might be.

Mr. Di Santo: Well, it is not finalized yet and we are working on it because quite frankly, we do not want to have a case selection criteria. It is a last resort for us because if the number of cases are what they are and the resources available are what they are, we have no choice; either we reduce the service or we increase the resources. So, for us it is something that we do not like to do but we have to work on it and we have to take into account many elements, many factors. One of the factors, of course, is the financial situation of the injured worker.

Mr. Wildman: We appreciate the efforts that are being made to assist us in training our staff, but if we have a backlog of say a person—we will use an extreme example—who has been waiting for five years to deal with a compensation problem but who is working steadily, has an income coming in and could, in fact, wait another year, conceivably. We cannot deal with that person because we have cases of people who are without any income at all. If your criteria will be an urgency one as well, then there is no possibility of us—particularly if one of your other criteria is if that person has another representative—referring that long-term case to you and that person will not be dealt with.

Mr. Di Santo: Well, as I said before and I am going to repeat it; the factors that will be taken into account will be numerous, but one thing I want to make clear is that we will not apply a means test to the injured workers. So, if there are extreme, difficult, financial circumstances, that will be one of the factors; that will not be the only factor because I think that would not be fair or acceptable for us to introduce a means test in the selection of the cases that we want to deal with.

Mr. Wildman: Well, I understand that and I would not do that either, but the fact is if—I will be quite frank—in my own particular situation, if

an individual cannot put food on the table for the weekend, I am not going to say, "Well, sorry, I'm dealing with someone else who has an income and we're not applying a means test."

Mr. Di Santo: That is right.

Ms. Tait: It is not a red herring but it is not quite as black and white as that because as it turns out, only a small percentage of the workers we have among our case load have an income beyond Workers' Compensation Board or social assistance. So, it is something we will canvass among all the other things that we will canvass. We will also be looking at things like—in a way, the same kind of thinking might apply if we are selecting cases to what the benefit if the case for the worker. Just as an example, if we had to choose between two cases where one case the remedy was going to be two or three weeks of temporary benefits from a couple of years ago; another case was going to be entitlement to a permanent pension for life, we might give the latter case priority over the former case. Maybe that kind of a more complex... And there will be several factors that will be integrated into that.

Mr. Wildman: OK. I understand in the Soo office now, because you are faced with such an inundation of new cases when you first opened up because they had not been dealt with in the Sudbury office because of their serious backlog, ...

R-1730 follows



1730

Mr. Wildman: OK. I understand in the Sault office now, because you are faced with such an inundation of francophone cases when you first opened up because they had not been dealt with in the Sudbury office because of their serious backlog, that you are now working on late winter 1987 files? So, you are about one year behind now? OK.

Also, I understand because of the difficulty—and I am not being critical of this—in obtaining a French-speaking adviser, that all of your French-speaking cases have not been dealt with no matter how old they are?

Mr. Di Santo: Joma Halonen is the manager for the northern region.

Mr. Chairman: It is a francophone ??.

Mr. Wildman: Mr. Halonen, I was quoting a moment ago about six months.

Mr. Halonen: Well, it was not quite a quote; it was a paraphrase. In any case, with respect to—I do not think any francophones service if they have come to our office at a particular date, their file has been opened. We have interpreters who do work for us at this time for all of the offices and we can call them in. So, I do not think—if they are on a waiting list, they are on a waiting list simply because their turn has not come up for service.

Mr. Wildman: I am not going to argue with you but I have a list of them right here.

Mr. Di Santo: If I may add, Mr. Chairman? I want to say that the office of the worker adviser has complied with Bill 8 and we have been trying to have francophone work advisers in all the regions designated. But also, I think—and I think it is an example of the civil service—we have services in many languages and in our office staff, many ethnic groups and minority groups are represented, as well as women. Of course, the members of the committee realize that given the specificity of this job, it is difficult to find in many instances, work advisers who are skill-ready and therefore, in Sault Ste. Marie, we had hired—we have hired a person in London now with no experience. It will take a long time to train these people which means that it will have a negative impact on the backlog. So, I think that is the reality. But we are trying to respond to the needs of the injured workers in their languages, in their cultures and of course, in the areas with heavy francophone population, we have work advisers who are fully bilingual.

Mr. Wildman: Well, you do not in the Sault office.

Mr. Di Santo: In the Sault office, it was—

Mr. Wildman: And I understand that. Let's be clear that you do not.

Mr. Di Santo: It was an objective difficulty that had nothing to do with our planning or with the requirement that we had with the situation because recruitment did not allow us to hire a bilingual person.

Mr. Wildman: I have two other questions, Mr. Chairman.

Mr. Chairman: Do you think you could find someone?

Mr. Di Santo: We could not find someone.

Mr. Wildman: No, I understand the history of that. It is very difficult in the Sault to hire a qualified person who is also bilingual. If it was bilingual Italian, it would be easy.

Mr. Di Santo: That is right. In fact, I was told there was a requirement for an Italian-speaking person, instead we hired francophone support staff that will help to provide service.

Mr. Wildman: I have two other questions that deal with policy rather than the backlog, and policy change. I do not know whether you want me to yield the floor and then come back.

Mr. Chairman: There are two other members who have indicated questions. Maybe we could go to them and then come back to you?

Mr. Wildman: OK.

Mr. Brown: I, too, am very concerned with the backlog and providing service and with Mr. Leone's conversation about creating another bureaucracy to deal with a bureaucracy. I am just doing some fast calculations; each member of the Legislature could receive approximately \$38 thousand per year to provide the service that a lot of members used to provide, in addition to what he has today. It would mean that he would be dealing with an extra nine cases per month, I think, to...

R-1735 follows



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~~(Mr. Brown)~~

... a year to provide the service that a lot of members used to provide in addition to what he has today would mean that he would be dealing with an extra nine cases a month, which, to carry out the 12,000 cases.

(Chairman)

Mr. ~~Chairman~~: Well, I just did some quick—if you divide the 12,000 cases dealt with last year by 130—these are rather rough calculations. What I guess I am talking about is, is this the most efficient way to do this? People, when they are in this situation, want help. The reason they come to workers' adviser in the first place is they do not understand bureaucracy and there is not many of us who do understand bureaucracy. They come for the personal touch. They do not want computers to retrieve their files, they want somebody who is going to look after them. Could you give me some numbers? Maybe my arithmetic is not particularly good here, but it seems to me that if each member of the Legislature, for example, had almost \$40,000 for additional staff and expenses, to deal with nine cases—if you work that out, I think it works out to about 13 hours per case—

Mr. Di Santo: Well, Mr. Chairman, I am not very good either at mathematics, but if each member of the Legislature had another adviser, they would have—how many members, 130? Probably 90 more cases each, but if we had 100 more advisers, we would not have any backlog at all. That is good arithmetic.

Mr. Brown: (Inaudible) instead.

Mr. Chairman: I think you two guys deserve each other.

Mr. Di Santo: Mr. Chairman, I want to dispel a concern of that member—the member raised. By no means I want to leave the impression with this committee that the workers who come to our office are confronted with the bureaucracy, because the people who come to our offices are human beings who are treated by as human beings and we are involved in a bureaucratic system and we have to operate within the bureaucratic system in order to help them. If we cannot provide the service in a fast efficient way, that does not mean that we are not compassionate and that we are dealing as bureaucrats. That is not the case at all. It is the fact that we have limited resources that we cannot serve all the workers who are coming to us because I will tell you that even doing the public service, there is no requirement for overtime. All the worker advisers are working overtime and if you wish to visit any of the offices on the weekends, you will see that our people are working there and they are not required to do that and as Mr. McGuigan said before, you know, you spend hours on a file because you want to get acquainted with the matter and want to get ready for the appeal and of course if you bureaucrats, five o'clock, everybody would go home.

Mr. McGuigan: At 4:30 or 4 o'clock.

Mr. Di Santo: At 4:30.

Mr. Chairman: Mr. Brown, was there anything else?

Mr. Brown: No, I guess that is it. Do you have such studies that do tell you what the cost per case load is because I certainly did not mean to infer that the people were not compassionate and you were not doing a good job

Mr. Brown

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or doing any of that sort of thing. What I was trying to get at was the fact that sometimes bureaucratic models by their very nature—

Mr. Di Santo: Yes.

Mr. Brown: And that is not your fault—I am certainly not suggesting that—do not respond to people's needs particularly well. Do you have some figures to show what kind of efficiency broken down by case, in dollars per case, because maybe you could hire a good lawyer. I mean, not that you are not—I will start again. Maybe you could pay lawyers or somebody like that and have the job done for half as much money. I do not know.

Mr. Wildman: I doubt that very much.

Mr. Brown: We do not know, Bud, because we do not have those—

Mr. Wildman: Better not get lawyers involved, they win, boy, they win. The workers may not, but the lawyers sure will.

Mr. Di Santo: We do not have that breakdown, but if you look at our budget and the resources available and the stuff that we use and the case that they been dealing with then you can come to your own conclusions. But we do not do that because we are ...

1740 follows:



(Mr. Di Santo)

If you look at our budget, the resources available, and the ~~same~~ ~~in the case that we have been dealing with you can make your own~~ conclusions, but we do not do that because we are a branch of the Ministry of Labour. Basically, we operate like any branch of the government.

1740

Mr. Wildman: I am not sure that my friend, the member for Algoma-Manitoulin (Mr. Brown), is suggesting contracting out, but I want to ask if you believe that it is possible to do that. If, hypothetically, we were to follow the scenario suggested by Mr. Brown that the Workers' Compensation Board and the ministry calculate the total cost of your office and say, "Okay, we will just divide that among the 130 members of the Legislature and let each of them hire one additional staff in their constituency office," would the workers on your list in any way be better served?

Mr. Di Santo: I think that that question is a provocation. Everyone understands that the more people who are available to help injured workers, the more service is available and the lower is the backlog. But if you make a fast calculation, if you multiply \$38,000 by 130, you go much above the total budget of the office of the worker adviser.

Mr. Armstrong: An additional point has to be made that if our work is viewed as one dimensional in terms of only case work, then that potentially, I suppose, in dollar figures might be the case, but it is much more than that, as indicated by Mr. Di Santo's presentation. The members with those resources would still not have the resources to do in-depth research and to make presentations to the Workers' Compensation Appeal Tribunal and whatnot. That is an integral part of our operation in terms of the systematic improvement of compensation.

Ms. Tait: I would like to add one more thing. In Mr. Brown's scenario, if each of your new constituency assistants got nine cases a month over a year, I suggest by the end of the year they would have 108 cases per constituency worker. That still would not be resolved because of the amount of time it takes to go through the appeal system, so it would not necessarily help.

Mr. Chairman: I know that the complexity of the system now is much greater than it was even a few years ago because of WCAT. That is not meant as a criticism of WCAT as much as just a fact of life. Preparing an appeal to WCAT now is much, much different than it used to be to simply prepare an appeal to the compensation board. It is much, much more difficult.

Ms. Tait: Are the members of the committee helped by costs-per-case analyses? There are a lot of cases that we do take and resolve. The backlog is only about 20 per cent to 16 per cent, I guess.

Ms. Collins: I wanted to ask about the advisers' workload, as well. You say that the average case load is presently 100 cases, but that includes both summary and representation cases. Is that correct?

Mr. Di Santo: Yes.


Ms. Collins: Could you explain to the committee, first of all, the difference between summary and representation?

Mr. Di Santo: Perhaps it would be more helpful if we look at the report. On page 8, we explain what an advisory case is. If you want I can read it, but it will probably save time if I do not. "Advising" means for us to advise the worker about the provisions of the Workers' Compensation Act that pertain to his or her problem and the benefits that are available to him. We explain, basically, how the act relates to the injured worker who comes to us.

Also, we explain to the worker how to initiate a claim, if it is an initial entitlement, how to object to an adverse decision, and, if there is a need for evidence, how to acquire evidence, witnesses, or medical reports, whatever the case may be.

Also, we draft a letter of objection. If the case is such that it requires only an objection, we draft an objection and that worker will submit that the operating branch—

R- 1745 follows



(Mr. Di Santo)

~~We draft a letter of objection. If the case requires a summary objection, we draft an objection and that worker will submit it to the operating branch or adjudicating branch.~~

Ms. Collins: So would it be fair to say that summary cases would require the advisor giving advice, making a phone call or perhaps preparing a letter.

Mr. Di Santo: Contacting the board on behalf of the worker, discussing the case with the board and seeing what the result is, advising the worker about our benefits. It is not just a simple inquiry. It is an interview with the worker, and it at many times requires one hour or two hours and we have calculated how much time ??

Ms. Collins: Have you looked at that average 100 cases and broken it down as to the percentage that would be summary and the percentage that would be representation.

Mr. Di Santo: Well, basically I can tell you that we aim at an optimum of 70 appeals at any given time and 30 cases which are advisory early intervention.

Ms. Collins: In this future case selection policy, the one that you were talking about earlier, have you considered doing—I guess the majority of representation cases rather than summary advice which might be left to constituency offices and so on.

Mr. Di Santo: Sorry, I could not hear.

Ms. Collins: Have you considered in this selection policy that you are developing for later this year, taking just representation cases rather than summary advice cases, and leaving the summary-advice type cases to legal clinics, unions, constituency offices.

Mr. Di Santos: We have addressed that issue but you will agree with me that you need an initial contact with the worker and per se that requires a certain amount of time to discuss the case and probably when the case is discussed you can decide whether an appeal is required or what type of intervention is required. That is one of the factors that we are considering.

Ms. Collins: I mention that because I know a number of legal clinics use other agencies—the agencies are actually the referral source and they know which ones require legal representation if you like. Then they refer that to a legal clinic and it becomes a file and so on. Not all of them give out that much summary advice.

Mr. Di Santo: Also, Ms Collins, you have the same experience. You know that an injured worker may come several times to your office but that for us it is still one case.

Ms. Collins: I understand that. Thank you.

Mr. Chairman: Another question, Mr. Di Santo. On page 18 of your abbreviated brief, at the very bottom where you talk about occupational

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disease entitlement getting to be a significant area of concern. And you recommend that all present policy diseases be reviewed with the view to deciding which schedule they belong. Why is that a problem? I do not understand the point.

Interjection: Page 18?

Mr. Chairman: Bottom of page 18 the top of page 19 of the brief Mr. Di Santo presented today.

Mr. Di Santo: What was the question, Mr. Chairman, sorry.

Mr. Chairman: That is all right. You are recommending that the present "policy" diseases be reviewed with a view to deciding which schedule they belong. I am asking you why is that a problem, I do not understand the point you are trying to make.

Mr. Di Santo: Well, because right now, Mr. Chairman, industrial diseases and occupational diseases are spread all over the board and we think that there is a need for—as you know every year there are a number of new diseases that are accepted by the board and some of them are industrial disease and some of them are economic or generated disease and we think that there should be a more precise classification in the schedule because if that happens there is less ~~discretionality~~

R-1750 to follow

(Mr. Di Santo)

~~economic generated decision—we think that there should be a more precise classification in the schedule because if that happens there is discretion on the part of the board.~~

1750

Mr. Chairman: I see. My other question has to do with coverage. You make an interesting point, on the bottom of page 17 and the top of page 18, that I have often thought of for different reasons than you are referring to here. You are saying that there are people in Ontario who are not covered by the Workers' Compensation Board. I think those are people like stockbrokers, bankers, and so forth. Is that right? Is that not who we are talking about?

Mr. Di Santo: We are talking about ??, bartenders, janitors, and VDT operators.

Mr. Chairman: Right. But does that not also include—

Mr. Di Santo: People in real estate, people in the banks, yes.

Mr. Chairman: The reason you are making the point, it seems to me, is that those people do not have WCB coverage. I have always thought that the board itself should be fighting for this because the more people who are contributing to the assessment pool the easier it is on those ones who are paying out the majority of claims. I think that stockbrokers and bankers benefit from the activity that goes on in Hemlo, for example—which this committee is very familiar with—those people benefit from the heavy industry in the province, and yet they are not paying into the assessment.

Mr. McGuigan: Perhaps you were not asking me, but I would like to say we really do not have cross-subsidization in the process. In my own business, I have two categories. As a fruit-and-vegetable grower, there are two categories, but I do not get help from the miners and I do not help the miners. It is simply on my particular group.

Mr. Chairman: Yes, but you are paying into it. We are talking about people who are not paying into it at all. You are doing your share as a farmer.

Mr. Miller: I do not think so.

Mr. Chairman: You do not think he is doing his share?

Mr. Miller: I do not think many farmers carry it directly.

Mr. McGuigan: There are many who do not. But I do not see your point where bringing these other people in would help because you do not have cross-subsidization in the system.

Mr. Chairman: I guess my point is—this is not the time to debate it with the office of the worker adviser here—that basically because everybody benefits from the heavy work like mining and lumbering that goes on out there in our society, all employers should contribute to the pool because they benefit from that kind of work, too, and yet they are not contributing to the compensation costs. That is my point.

Mrs. Marland: Where does that end?

Mr. Chairman: It does not. You have to think bigger, Margaret.

Mr. Di Santo: You were not yourself in the chair in 1985, but that was a recommendation of this standing committee.

Mr. Chairman: Yes, it was. You are absolutely correct. I am perhaps bringing to the fore old memories.

Mr. Wildman: I asked the office of the employer adviser this question, and now I will ask you: Is an employer required, or should he be required, to advise an employee at the time of employment whether or not that employee is in one of those groups that is not covered by compensation?

Mr. Di Santo: I think you would not have that problem if all the workers were covered under the act.

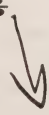
Mr. Wildman: Sure, obviously.

Mr. Di Santo: But I think that certainly that would make the worker aware of what his predicament would be if he had an accident.

Mr. Wildman: I have three cases there. One is of a bank employee who worked 36 hours a week but was considered part-time. She hurt her back. She found out when she hurt her back that she was not eligible. She just took for granted previous to that that she was eligible. Another woman worked part-time at a ski resort. She found, when she was injured, that she was not eligible. Another woman who worked as a bartender never thought about it, I guess, until she hurt her back, and then found that she was not eligible. At no time did the employer ever inform them that they were not eligible so they could get private insurance or whatever.

Mr. McGuigan: Just as a matter of interest, would that worker not have a full right to sue the employer?

R-1755 follows



~~(Mr. Di Santo:)~~

~~Just as a matter of fact, would that worker not have a full right to sue the employer?~~

Mr. Wildman: Yes.

Mr. McGuigan: It is more in the employer's interest—

Mr. Wildman: Yes. I do not understand why the employer would not—

Mr. Chairman: It would be negligence, that is why.

Mr. Wildman: They would have to prove that somehow the employer was at fault in regard to their injury, if they were going to win benefits. In the one case—I will not mention which of the three cases—the worker was at fault. But if they were eligible for compensation, that would not have mattered.

Mr. Di Santo: The Workers' Compensation Board is no-fault insurance.

Mr. Wildman: Also, my leader, when he appeared before the committee when Dr. Elgie and the minister were present, raised the issue of the worker who is found to be sensitive in terms of industrial disease and cannot return to his or her workplace because of that sensitivity, but, as a result of board policies, is not eligible for compensation benefits. He raised the case of lead levels in blood.

I have a case of an individual who has contracted asthma as a result of exposure to ?osasianates in an automotive repair shop, who cannot return to that workplace and yet is not considered to be eligible for a pension, and who has been in touch with the rehab office but so far has not been able to get a job. He was getting some benefits when he was on rehab, but that is now going to be cut off next month.

What happens to this kind of worker? Have you made any representation to the board for changes in its rehab policy, or, even if these people cannot be rehabilitated, for dealing with those people who seem to fall through the cracks because of exposures in the workplace and what might be called pre-industrial disease conditions? They are not yet considered by the board to be ill enough to be compensated.

Mr. Di Santo: As an advocacy group, of course, we have been making efforts so that the largest possible number of workers who were injured as a result of employment are compensated. Therefore, if you ask me if we agree with you, I can tell you—

Mr. Wildman: No, I was not just asking if you agree. I was wondering if you have made representation to the board on that.

Mr. Di Santo: As a matter of fact, we made a representation to this same committee last year because that is a problem. Today, not only because of industrial disease but also because of ergonomic conditions, there are a number of injuries that are a result of working conditions. This is not the only jurisdiction where it happens.

I was at a conference yesterday where I learned that, in Sweden, last year they paid more than 2 million dollars lost because of these conditions, which is quite an impressive amount for Sweden which is a rather small country.

Mr. Wildman: But with about the same population as Ontario.

Mr. Di Santo: That is right.

Mr. Miller: When were you over there?

Mr. Di Santo: No, I was at a conference ?? at the American embassy.

Mr. Miller: In Toronto?

Mr. Di Santo: Yes.

Mr. Chairman: Mr. Di Santo, Ms. Tait, Mr. Armstrong, and Mr. Halonen—thank you very much for your appearance before the committee.

As I said earlier, we are inclined to pile up all of the major suggestions that are made, and, at some point after the hearings, we will try to come to some conclusions. We will make sure you get a copy of this when we do.

Thank you all very much for your appearance before the committee.

Mr. Di Santo: Thank you for allowing us.

Mr. Chairman: The committee is adjourned until tomorrow after routine proceedings. It is in this room again tomorrow.

Mrs. Marland: Can I just ask a question? Has the provision for the meeting, instead of Monday night, been addressed?

Mr. Chairman: Yes, it has. We are going to meet Monday afternoon. The clerk has been in touch with the groups, and it has been condensed into the afternoon.

Mrs. Marland: Was there not another date available?

Mr. Chairman: No.

Mrs. Marland: Okay. Did we clear up when that matter was discussed in the committee?

Mr. Chairman: I did not pursue it any further because we are not going to do it.

Mrs. Marland: I just feel badly that there was the misunderstanding because I certainly was not aware of it originally and would not have let it get that far down the schedule unless I was sure it could be covered by us. Our problem is there are not enough of us.

Mr. Chairman: I understand that. I wonder if, after we have adjourned, the committee members could just stay for one minute.

The committee adjourned at 6:01pm.

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